

**REGULAR MEETING, VILLAGE BOARD OF TRUSTEES
MONDAY, JULY 27, 2009
7:00 P.M.**

PRESENT: Mayor Bob Green, Trustees Marc Angelillo, Kathryn Carlson, Sue Jones, and Tim Lynn, Code Enforcement Officer (CEO) Jorge Batlle, Director of Municipal Operations (DMO) Bob Lotkowitz, Police Chief Lloyd Perkins, Municipal Board Commissioner Alan Dolmatch, *SFD Chief Bob Frank, Village Attorney Mike Byrne

OTHERS	Nate Robson	Skaneateles JOURNAL (Auburn CITIZEN)
PRESENT:	Miranda Pennock	Skaneateles PRESS
	*Cliff Abrams	37 State Street
	Doug Clark	24 West Lake Street
	Christine Hunt	28 Jordan Street
	Jackie Keady	4 East Genesee Street
	Richard Schmidt	26 East Genesee Street
	Julie Sharpe	52 East Genesee Street

Continuation of Public Hearing, Local Law #1 of 2009, Modify Off-Street Parking Requirements

Mayor Green noted that the Village Board met last Monday to review the proposed local law and still have five unresolved issues (the "Intent" wording, tandem parking, fee, survey and handling of a non-conforming use on an abandoned property). There followed discussion as to whether the hearing should just be continued from meeting-to-meeting or should be closed, re-scheduled and re-published when the Board has met as often as necessary in Operational Meetings to resolve the outstanding issues. Trustee Carlson asked that anyone present who has not had an opportunity to comment before be allowed to do so, and no one did. Richard Schmidt inquired and was assured that any revised proposal will be available at the Village Office and will be posted to the Village website. Additionally, Mayor Green said he would let Chamber of Commerce Executive Director Sue Dove and President of the North Shore Property Owner's Association Arnie Rubenstein know when a proposal has been drafted. Alan Dolmatch noted that he had e-mailed a statement today which he wanted to be part of the record.

(Insert Alan Dolmatch's "Parking Law Statement" of 7/27/09)

The Board agreed to address the unresolved issues at an Operational Meeting on Monday, August 17th, at 7 p.m., to hold another meeting on the 18th if necessary, and to make public any revised draft by noon on Friday, August 21st. On the motion of Trustee Carlson, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to adjourn the public hearing until Monday, August 24th.

Minutes

On the motion of Trustee Carlson, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to approve the minutes of the Regular Meeting of July 13 and Operational Meeting of July 20, 2009, as presented.

Bills

On the motion of Trustee Angelillo, seconded by Trustee Lynn, it was resolved and unanimously carried (5-0 in favor) that bills from Abstract #4 be audited and paid as follows:

General Fund	Vouchers	145 - 186	Checks	11156 - 11197	\$44,001.32
Sewer Fund	Vouchers	37 - 41	Checks	3342 - 3346	1,558.48
Water Fund	Vouchers	26 - 31	Checks	2834 - 2839	920.20
Electric Utility Fund	Vouchers	40 - 52	Checks	3855 - 3867	84,958.85

It was further resolved to authorize payment of \$5,156.73 from the Parkside Escrow (CM 22) to Stearns & Wheeler (T&A #48959).

Gallery 54 Opening

Mayor Green noted that the Board was invited to the opening of Gallery 54 on July 23rd.

House Check

Mayor Green referenced the note of thanks to the Police Department from the owners of 135 East Genesee Street for house checks that were conducted during their absence.

Abrams Letter on Illegal Signs

Mayor Green said that Cliff Abrams' letter on illegal signs has been referred to Special Counsel Galbato.

Letter Recognizing Chief Perkins

Trustee Carlson referenced a note from her friend, Mark Snyder, who is the Safety and Risk Management Coordinator at Cayuga/Onondaga BOCES, in which he commented on Chief Lloyd Perkins being the President of the NYS Law Enforcement Accreditation Council. Mr. Snyder observed how important accreditation is and wrote that he trusts that the Village Board recognizes the value of Chief Perkins.

Authorize Extension of SRCT Agreement of 1999

On the motion of Trustee Jones, seconded by Trustee Angelillo, it was resolved and unanimously carried (5-0 in favor) to authorize Mayor Green to sign the extension of the SRCT agreement to August 31, 2009.

Violation of Code Section 154-4 (Local Law #3 of 1995)

In reviewing CEO Battle's letter of inspection and photos, it's apparent that as of today there is no change or improvement to the back yard of 14 Onondaga Street. Village Attorney Byrne noted that the front yard is mowed, the problem is confined to the fenced back yard, and only one neighbor has complained albeit that he's complained for three years. Trustee Jones said the backyard is most offensive to him because his property is uphill, but Trustee Lynn said he walked around the property and all the neighbors have the same view. He encouraged each of the Board members to inspect the property for themselves. Village Attorney Byrne said his notice of violation sent certified mail was returned and asked that it be hand-delivered, which Chief Perkins agreed to do and to provide a proof of serving. Trustee Carlson said a Village tree has branches which nearly touch the ground and DMO Lotkowitz agreed to look at it and determine if we need to trim it. Trustee Jones said we need to hold firm on this, observing that the Board has spent a lot of time on the problem, it's not fair to the neighbor, and what we've requested is not that extensive. Trustee Angelillo asked if the Village has the right or authority to enter the property and Village Attorney Byrne said we've asked for permission to enter via the Weaver property, so it wouldn't be a forcible entry. Absent his permission, we'll need a court order. Trustee Jones reiterated that she does not want to repeat the work of last year, noting that the calendar favors the scofflaw because it takes so long to act on the violation. The public hearing will be conducted on August 10th.

*Cliff Abrams arrived

Authorize Commencement of SAP Payments

On the motion of Trustee Lynn, seconded by Trustee Jones, it was resolved and unanimously carried to authorize Mayor Green to sign for commencement of monthly Service Awards Program payments to Gordon Carlson, effective September 1, 2009.

Public Meetings on Ownership of the Community Center

Mayor Green announced that the Village has agreed to participate in two public meetings on ownership of the Community Center. The first will be Saturday, August 15th at 10 a.m. at the Fire Station and the second will be Wednesday, September 16th at 7 p.m. at the Community Center.

Policy Statement on Future Ownership and Operation of the Community Center

Mayor Green read excerpts of the proposed statement. On the motion of Trustee Jones, seconded by Trustee Angelillo, it was resolved and unanimously carried (5-0 in favor) to adopt the proposed Policy Statement as presented.

(Insert Copy of the Policy Statement on Future Ownership and Operation of the Community Center)

Schedule Public Hearing on Verizon Franchise

Village Attorney Byrne said the only element which hasn't been addressed is the Village's request to know what areas in the Village are not served by FIOS and when they will be served. It is his understanding that areas with underground service (such as the downtown rowhouse block and the newer subdivisions) do not have FIOS and Verizon has only indicated that they will have it within the next 5 years. The franchise fee is the same as Time Warner, so the change should be revenue neutral. On the motion of Trustee Lynn, seconded by Trustee Carlson, it was resolved and unanimously carried (5-0 in favor) to authorize advertising for a public hearing on Monday, August 24th at 7:30 p.m. to consider a 5-year franchise agreement with Verizon New York for cable television service.

SFD Membership Changes

On the motion of Trustee Jones, seconded by Trustee Carlson, it was resolved and unanimously carried (5-0 in favor) to approve the probationary membership of Allan Bille of 25 East Street and to accept the resignation of Joel Coleman from the Skaneateles Volunteer Fire Department.

Appoint Mayor & Village Clerk/Treasurer as Administrative Delegates of Service Awards Program

On the motion of Trustee Lynn, seconded by Trustee Carlson, it was resolved and unanimously carried (5-0 in favor) to appoint the Mayor and Village Clerk/Treasurer to be the Administrative Delegates of the Village with respect to the Service Awards Program with full authority to give instruction to the Glens Falls National Bank and Trust Company, investment manager, and to sign such documents as may be necessary and appropriate.

Designate DMO Lotkowitz as Voting Delegate to MEUA Conference

On the motion of Trustee Angelillo, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to appoint DMO Lotkowitz as the voting delegate to the annual conference of the MEUA to be held September 15-18, 2009, in Corning, NY.

Thayer Park Sign

Mayor Green reported that the Thayer Park sign has been vandalized. Chief Perkins said he doesn't know if it was broken by the same group of four who spray painted some areas on Sunday, July 19th. Trustee Jones noted that resident Bud Costello has offered to help pay for getting the sign fixed. Clerk Sheehan will contact Pat Blackler to inquire about her efforts to engage Jerry Durr for the repair. The Board agreed that a durable sign treatment is required even if it is not as authentic.

*Bob Frank arrived

Executive Meeting

At 7:45 p.m., on the motion of Trustee Jones, seconded by Trustee Angelillo, it was resolved and unanimously carried (5-0 in favor) to enter into an Executive Session to discuss a personnel matter. The Executive Session ended at 8:15 p.m.

CNY Water Works Conference and Clambake

On the motion of Trustee Angelillo, seconded by Trustee Lynn, it was resolved and unanimously carried (5-0 in favor) to authorize Water, Light and DPW employees to attend the CNY Water Works Conference and Clambake at \$40 each. Two DPW employees will be asked to remain in the Village and those individuals will be offered to exchange this event for the upcoming farm show.

The meeting was adjourned at 8:20 p.m.


Sally L. Sheehan
Village Clerk

Parking Law Statement

**Alan B. Dolmatch
52 Academy Street
Skaneateles, NY 13152**

Recent testimony at these public hearings has brought forth the point that other than a few times and days of the year, there appears to be no parking problem for the commercial center of the Village of Skaneateles. This claim has been made in the name of the Chamber as well as downtown business and property owners. If this claim is true, and I believe it is, the premises under which revisions to the Parking Law were initiated some months ago, are invalid and the solution that our committee had proposed is to a problem that does not exist at this time. Those premises were **that there remained a parking insufficiency in the Village's downtown and that we needed revisions to the past local law to make sure that actions to change uses on or redevelop or expand downtown property did not worsen an already restrictive parking situation.**

I believe that the proposed modifications to the zoning law (Section 225-58) are not needed and that the focus of the Village Board should be on simplifying the administration of that section of the Code to eliminate all private on-property parking related considerations where the parking **is not offered to the general public.** It should not matter to the Village whether tenants and employees and downtown residents have or do not have on-premises parking or whether that parking is jammed in or tandem or has limited maneuvering room. So long as the local laws are obeyed on the streets and in municipal lots and private actions do not adversely affect the Village, its residents and other property owners, what happens on private property should be determined by the owners and tenants of those properties. These are private market matters that the market should address. If a landlord cannot rent his or her property because no parking is provided, so be it. If a bank won't lend because there is no parking provided, so be it. These are self-inflicted wounds and the Village Board cannot and should not try to save property owners from their decisions to add to a property without adding to its parking resources.

Keep in mind, there is no parking problem in the Downtown so why should there be a need to intervene or spend public funds to improve a satisfactory situation. By the same token, the Village Board should recognize that the parking it presently provides is adequate and that no other municipal resources should be devoted to expanding parking adjacent to these properties. Rather, any available parking funds should be used to improve the existing municipal parking lot and the parking available along Fennell Street

The portion of the Village where the terms of any private parking restrictions should be lifted should include those properties on which the availability of open land to create parking has historically not existed. I would propose that area to include Genesee Street going eastward from the Lake Outlet through Legg Hall (on the south) and The Cottage (on the north) together with the properties on Jordan Street running north from Genesee Street north through Town Hall on the east and Fennell Street on the west. The rest of the

commercial core of the Village, running west of the outlet, northwest along Fennell Street and north along Jordan Street generally has some public on-site public parking and such spaces should be regulated to assure that they are of adequate size with safe ingress and egress. Some of those areas also do not have un-metered or metered on-street parking and parking stalls on the property need to be provided.

Dropping the restrictions in our congested core will have a couple of beneficial effects:

- The administrative nightmare of establishing and validating the inventory of parking and occupiable space giving rise to parking credits will be eliminated.
- The application of a parking fee to any property in the limited downtown zone will be eliminated.

When the initial parking studies were undertaken in 2004 and 2005 parking on downtown streets was frequently abused by overtime parkers (some meter feeders, others just flat out scoff-laws) who selfishly monopolized curbside parking spaces to the detriment of the commercial district generally. Furthermore, the failure to provide adequate remedies through the courts to impose the penalties provided by law encourages such behavior. I have been told that these abuses persist and if the Village Board wished to improve the parking situation for the downtown business district, a local law with greater enforceability and more serious consequences for parking abuse would be the appropriate remedy for any future reduction of the surplus of publicly provided parking of the Village. Such a law could have the following beneficial effects:

- Through enforcement, space will become less pre-empted by scoff-laws.
- As a legitimate action toward improving parking in the downtown, money in the Parking Fund can be used to procure hardware and software that will enable the Village Police to be more effective in ticketing violators and getting judgments in court against them and pursuing follow-on remedies if necessary.

POLICY STATEMENT OF THE VILLAGE TRUSTEES

Regarding the Future Ownership and Operation of the Skaneateles Community Center

Discussions have been underway for the past three years, between representatives of the Village, Town, Skaneateles Recreational Charitable Trust ("SRCT") and the Parks & Recreation Council of Skaneateles ("PARCS"), regarding the future ownership and operation of the Community Center. Those discussions have reached a critical juncture, and one fundamental question has emerged on which there is some division of opinion: **Should the Community Center be owned by a public body (either the Village or Town) or should it be owned by a private, not-for-profit organization?** In the coming weeks, several public information meetings will be held for the purpose of giving local residents an opportunity to express their views or ask questions. In advance of those meetings, we believe that it is important for both Village and Town governments to express their views on this question, and be prepared to explain and justify their positions. We will state our views in this statement.

Background.

In 1999, during the planning and fundraising for the Community Center, the Village, Town and SRCT entered into an agreement providing for its ultimate ownership and operation. It was agreed that, after the facility opened for business, the ownership would pass from SRCT to the Village, and it would be leased to the Town and be operated by the Town Recreation Department. During the first few years of its operation, two things became clear: First, a significant amount of tax dollars were required each year in order to offset revenue shortfalls. That shortfall is now in excess of \$200,000 per year and is borne by Town taxpayers. Second, that required level of taxpayer support has made it difficult to establish adequate capital reserves for repairs and replacements when they are needed. During the next 10 years, the facility will require repairs and replacement of its roof, pumps, compressors and other components.

We believe that the Village is not an appropriate owner of the facility because the owner would be expected to bear responsibility for those capital repairs and improvements, and that burden should be spread evenly across the entire community, including all Village and Town residents, rather than disproportionately on Village taxpayers. We support the use of Town tax dollars for the Community Center because all of us are Town taxpayers and all of us are thereby impacted equally in supporting this wonderful facility.

For that reason, we advised SRCT approximately three years ago that we felt the Village should not be the ultimate owner of the facility. We suggested to SRTC that it

consider the organization known as Austin Park Development Fund (“APDF”) as a potential owner. APDF had been formed in the 1960’s by a group of local citizens who wished to advocate for issues pertaining to Austin Park. For over 40 years, it has served as a watch dog and advocate for all things associated with Austin Park. In 2006, a committee was formed, under the leadership of Town Board Member Ellen Kulik, to examine the feasibility of having APDF take ownership of the Community Center. In anticipation of becoming the owner, APDF has reorganized itself and is now known as PARCS. It has expanded its Board of Directors to recruit a diverse group of people, who are committed to the success of the Community Center.

Why is ownership of the Community Center by a private, not-for-profit group a good solution?

We believe that the successful operation of the Community Center, and its capital needs, will require significant fundraising in order to contain and reduce the need for taxpayer support. As a not-for-profit organization, with tax-exempt status granted by the IRS, PARCS will have the ability to conduct successful, sustained fundraising on a broad scale. That model has been used successfully by the YMCA, in facilities all over the country. Typically, YMCA’s must conduct successful fundraising in order to supplement operating revenue. Indeed, the Auburn YMCA has been extremely successful in conducting fundraising activities, in addition to its success in operating a first-class recreational facility. We believe that, as the owner of our Community Center, PARCS could achieve that same level of fundraising success.

Is it reasonable to expect that the Town could successfully conduct fundraising if it were the owner of the facility, or that a not-for-profit organization could do so on its behalf?

We do not believe so. We think it is unlikely that local residents will make significant voluntary contributions to a facility for which they are already paying taxes. We recognize that the Town has had success in raising funds to fight Milfoil in the lake, but we believe that success would not translate to comparable success in fundraising for the Community Center.

Should the Town become the owner of the Community Center?

We think it should not. As an owner, it would be responsible for developing capital reserves and would likely continue to experience significant operating deficits. In the absence of a successful fundraising mechanism, those burdens would fall entirely on the shoulders of taxpayers, and the combined cost of operating deficits and developing capital reserves would be more than taxpayers should be asked to bear. We support the use of Town tax dollars to subsidize operating expenses of the facility, but only to a point.

If the ownership of the Community Center is passed to PARCS, who should operate the facility?

It has been proposed that the Town would continue to operate the Community Center, under a lease agreement with PARCS. We support that concept. At the same time, we recognize that many people have expressed concerns about the physical condition of the building, about programming issues, and about the substantial and continuing operating deficit which it generates. Those issues must be dealt with and overcome. If the Town is unable to meet those challenges, we would favor a new arrangement in which PARCS would lease the facility to the Auburn YMCA.

Much work has been done in an effort to complete a transfer of ownership to PARCS and a new lease with the Town. PARCS has reorganized itself and now possess a Board of Directors consisting of very talented and energetic individuals who are anxious to take on the responsibilities of ownership. As elected officials of the Village, we believe that those efforts should now be completed, without further delay.

Adopted this 27th day of July, 2009 by the Village Board of Trustees.