

VILLAGE BOARD MEETING MINUTES
JUNE 11, 2020
7:00 P.M.

PRESENT: Pursuant to Executive Order 202.1 issued by Governor Cuomo, this meeting was conducted via Microsoft Teams conference call with Mayor Hubbard, Trustees Eriksen, Sennett, Stokes-Cawley, and Zapata, Police Chief Coon, SVFD Chief Buehler, and Village Attorney Pavlus indicating they were present at roll call.

Others: Jason Gabak Skaneateles PRESS
Courtney Alexander Town Council

Minutes – Resolution #2020-132: On the motion of Trustee Eriksen, seconded by Trustee Stokes-Cawley, it was resolved and unanimously carried (5-0 in favor) to approve the Minutes of the Regular Meeting of May 28, 2020, as presented.

Correspondence & Announcements – Mayor Hubbard noted the following:

- Receipt of email about Mortgage Tax Apportionment. Mayor Hubbard said it seems to be right in line with budget numbers.
- Receipt of email from Janice Hoffmann relative to her 174 E. Genesee Street property. Mayor Hubbard said Dick Perkins will talk to Ms. Hoffmann.
- Receipt of NYCOM Advocacy Updates of May 29, 2020 and June 1, 2020.
- Receipt of Penflex email regarding Covid LOSAP Legislation Passes.
- Receipt of emails regarding the Pride Flag.
- Receipt of emails about the Black Lives Matter flyers.
- Receipt of emails relative to a Black Lives Matter peaceful walk through the Village on Sunday, June 14, 2020, commencing at 1:00 p.m. at the Austin Pavilion.

*** Other Matters That Have Come Before the Board since Posting the Agenda***

- Receipt of 250 Rainbow Pride Awareness Pins from Donna Gregory with A Gift for You note that reads: I saw the press you received regarding the Pride Flag. I understand how hard it is with policies and I'm sure you want to show your support. Please feel free to hand out these ribbons instead. Love is Love. From Donna Gregory.
- Receipt of Glens Falls National Bank LOSAP Statement for May 2020.
- Receipt of letter from SHS Principal Santoro regarding 2020 Commencement in the park.
- Receipt of NYPOWER Authority letter advising that there will be no reduction in firm hydro energy sales for the period of July 1 through 31, 2020.
- Receipt of email regarding Skaneateles Graduation congratulatory ad. After a thorough discussion, **Resolution #2020-133:** On the motion of Trustee Sennett, seconded by Trustee Stokes-Cawley, it was resolved and unanimously carried (5-0 in favor) to authorize a ½ page in the Skaneateles PRESS offering congratulations to the SCS Class of 2020.

Trustee Eriksen read aloud the following:

I would like to use this time to address some misconceptions about the Village's actions regarding the Pride flag requests. First, the Village did not conduct an up-or-down vote on whether to fly the Pride flag. Instead, a few months ago, we voted to adopt a policy to not fly any secondary flags on Village property. This is a critical distinction. After last year's decision to fly the Pride flag, it was determined that the Village needed a policy regarding secondary flags. Upon researching the secondary flag policies of other municipalities, the Village determined that it could not implement a workable policy.

This leads to a second critical distinction, and this is the important part: the distinction between private property owners and government entities. Private businesses, property owners, and individuals have no obligation to treat freedom of expression equally. If a private business wants to allow one form of expression on their private property, and not others, they are free to do so without being subject to a lawful claim of depriving someone of their First Amendment rights. Government property is different.

Government entities have an obligation to treat First Amendment speech and expression equally when it is in a public forum.

In short, the Village does not have the same luxuries that are afforded to private property owners. Were the Village to adopt a policy that arguably favors some flags and not others, we could potentially subject ourselves to litigation, at no small expense to the taxpayers. This is not a theoretical concept. Issue groups nationwide look for and create instances in which their rights may be infringed upon so that they can then bring a lawsuit for a violation of civil rights. The federal civil rights statute allows for the prevailing party to recover attorney's fees, which can number in the six figures in these cases.

Consequently, the Board voted to not fly any secondary flags. I understand that this policy may not feel like a good answer when there has been a request to fly the Pride flag, but the Trustees have an obligation to consider the very real possibility that a more divisive flag might be requested. What seems to have been lost in this discussion is that the First Amendment protects all expression, not just expression with which you agree. The First Amendment also gives people the right to advocate for beliefs which you may find to be abhorrent and offensive. The government is required to treat both equally. I am not asking anyone to like this result. But I am asking for the understanding that the Trustees have considerations beyond those of private property owners.

To address one of the counter arguments that I have seen, it is worth noting that the municipalities that fly secondary flags tend to be larger cities and counties, who have the resources to defend themselves against litigation that may arise from a dispute over a secondary flag. We do not have that kind of budget for attorney's fees. As a result, we must be more risk-averse.

This Board did not vote against the Pride flag. This Board did not vote against celebrating Pride. Our secondary flag policy removes one and only one potential avenue of expression. Finally, the secondary flag policy is fully separate and apart from my own feelings about LGBTQIA inclusion, as well as those of any other Village official or employee. One of the responsibilities of elected officials is to separate their personal feelings from their professional obligations. Village residents are entitled to leadership that understands those professional obligations.

Thank you.

Mayor Hubbard complimented Trustee Eriksen on his excellent statement; Trustee Stokes-Cawley said it was eloquent; Trustee Zapata said it was very good.

Police Department – Chief Coon confirmed that the Police monthly report for May was emailed and recorded activity as follows: **Incident Types:** 253 Calls for Service; **Criminal:** 2 Larceny; 0 Identity Theft; 0 Forgery; 1 Burglary; 0 Robbery; 1 Criminal Mischief; 2 Domestic; 2 Harassment; 0 Sex Offense; **Non-Criminal:** 3 Vehicle Lockout; 529 Property Check; 9 Ambulance Calls; 10 Fire Calls; 3 Alarm; 1 Recovered/Found Property; **Traffic:** 41 Total Traffic Stops; 18 Traffic Tickets Issued; 9 Total Parking Tickets; 139 Courtesy Cards; **Motor Vehicle Accidents:** 3 Property Damage; 0 Personal Injury; 1 Arrests; 0 Felonies; 0 Misdemeanors; 0 Violations; 0 DWI. In response to Mayor Hubbard asking if he had anything else to add, Chief Coon said the numbers are going up as the weather gets nicer and pandemic restrictions somewhat relax. Trustee Sennett noted that the Police are issuing tickets again, and a lot of courtesy tickets. She said they are a good reminder to people that they have to feed the meters.

Codes Enforcement – Mayor Hubbard advised that the Codes Enforcement report will be at the next meeting.

WWTP – Mayor Hubbard noted receipt of WWTP Operator Twitchell's report for May 2020. He commented that Operator Twitchell is doing a very good job. There is a meeting tomorrow about the upgrades and ammonia removal requirements under the SPDES permit. Trustee Zapata said they've been doing great.

Skaneateles Volunteer Fire Department – Mayor Hubbard recognized receipt of SVFD Chief Buehler's report for May 2020. Chief Buehler said he didn't have the report in front of him, so Trustee Zapata read aloud as follows:

Calls for the month of May: 29 Total Alarms; 1 Structure Fires; 1 Vehicle Fires; 0 Vegetation Fires; 4 EMS; 2 Rescue; 4 Motor Vehicle Accidents; 0 Extrication; 0 Hazardous Condition; 2 Service Calls; 0 Good Intent Call; 13 False Alarms; 1 Cancelled Enroute; 1 Other; 6 Mutual Aid Given; 13 Mutual Aid Received; 14.0 Avg. Personnel; 1:57 Avg. Enroute time; 5:34 Avg. On-scene Time; 1 Meeting; 3 Drills; 23 Training; 16 Miscellaneous; 1 Stand-by. Member hours for May 2020 totaled 840.

Trainings for the month: 6/8-Pumping, Drafting-19:30; 6/15-Pumping, Drafting-19:30; 6/22-Hydrants-19:30; 6/29-Auto Extrication-19:30.

Meeting for the month: Labor Day-6/4-19:30; Truck-TBA; Officers'-7/2-20:00; Trustees & Board of Directors-7/2-19:00; Recruitment Committee-TBA.

Other Business: • ISO update – the Fire District map has been completed and sent to Bill Burdick for printing. Meet with Village Trustee Zapata and Town Council member Courtney Alexander to go over the ISO report. Dick Perkins has made contact with the engineer from GHD on certification of Skaneateles Lake as a water source. • Annual Test of the firehose and ladders is scheduled for June 22, 2020. • Tickets are now available for the High Stakes Money Drawing and are available from any firefighter or online at www.skaneatelesvfd.com. As of June 1st, 513 tickets have been sold. The 3-\$100.00 monthly drawing winning ticket numbers are 118,428, 503. This year there are only 850 tickets available for purchase. Mark your calendars now for the 8th Annual Casino Night and High Stakes Money Drawing scheduled for Saturday, September 26, 2020 at Skaneateles Station #1.

In response to Mayor Hubbard asking if there is anything else to report, Chief Buehler said we are pleased that training has started back up again while continuing to follow CDC guidelines for social distancing, masks, etc. Trustee Stokes-Cawley asked if Labor Day is still on. Chief Buehler said, yes, as of now. It is based on what the Governor does with the State Fair. Mayor Hubbard said it was an excellent report and thanked Trustee Zapata for reading it.

Old Business

Status of New Seawall Grant / Clift Park Improvements – Mayor Hubbard said an email was circulated to the Village Board and he noted that NYCOM Deputy Director Barbara Van Epps is assisting us.

Status of Water Main Project – Trustee Stokes-Cawley read aloud Dick Perkins' summary as follows: The East Lake Street project is progressing smoothly now that we are underway. Villager has worked on the mainline sanitary sewer starting at the south end (Genesee Street) end. As of today, the mainline piping is all in and the East side laterals are all tied into the new pipe. The West side laterals are tied in temporarily. They plan to tie them in permanently next week along with starting the storm piping that goes down the center of the street and branches to both sides. The residents have been very cooperative and understand the situation. We do have one situation that was unexpected. Unfortunately, we had to dig underneath a very large tree which compromised the tree root system and we will be taking down that tree as it creates a hazard at this time. The tree committee is aware of it; I had Bartlett's Arborist look at it to confirm the need to remove it. Any concerns or questions, please feel free to contact me, 315-412-3577.

Status of Kelley Street Bridge – Mayor Hubbard said last Fall, Vue Construction was recommended by Gordon Carlson as they have done work for the Fire Department. Inasmuch as the water level in the creek is down, they started this past Monday pointing and fixing up the abutments. Gordon Carlson is overseeing the work. Trustee Sennett said they are going to put down metal plates at the walkway – it's part of the plan. Mayor Hubbard said people will see activity.

New Business

Publication of Public Hearing – Mayor Hubbard said the Board is considering setting a public hearing for the dedication of the Whitegate subdivision on July 9, 2020. He thanked Atty. Pavlus for the email on Tuesday that provided background on the Whitegate subdivision and an outline of the process. Mayor Hubbard recognized that Atty. Pavlus said the developer is prepared to sign the dedication documents and move forward. In response to Mayor Hubbard, Atty. Pavlus said he didn’t have anything to add, other than he will work with Clerk/Treasurer Couch to draft the notice that must state the general object of the resolution and the name of the streets proposed to be accepted. **Resolution #2020-134:** On the motion of Trustee Sennett, seconded by Trustee Zapata, it was resolved and unanimously carried (5-0 in favor) to schedule a Public Hearing for dedication of the Whitegate subdivision on Thursday, July 9, 2020 at 7:00 p.m.

Gazebo Public Restrooms – Mayor Hubbard said Trustee Eriksen checked with the County and the Trustees have been copied on the recommendations for cleaning a public restroom. Given that the gazebo bathrooms are cleaned 3 to 4 times a day, they should be open. Trustee Sennett said she thinks the Police open and close the gazebo restrooms. In response to Mayor Hubbard, Chief Coon said the Police lock the restrooms at approximately 10 p.m. Clerk/Treasurer Couch will let our cleaning service know that the restrooms will open tomorrow; Chief Coon will let the officers know to close. Mayor Hubbard said there was also an additional question about porta-potties. It seemed like we had issues last year with the public restrooms, so arranged for the porta-potties as back-up. It is doubtful that we can fulfill the cleaning obligations this year with the pandemic. Trustee Sennett said she recalls additional signage last year about what can be flushed; we can look at the signage in the public restrooms.

Holy Trinity Lutheran Church Request – Relative to the Holy Trinity Lutheran Church request to conduct weekly “car church” at the Skaneateles Fire Department parking lot beginning Sunday, June 28, Trustee Zapata said she talked to Chief Buehler and Atty. Pavlus, too. At this time, there is no set end date. Chief Buehler said there’d be about 20 cars for the 30-minute service for the Skaneateles Clergy services, like St. Mary’s had in their parking lot the past couple of weeks. Mayor Hubbard said as long as Chief Buehler is good with this, it’s a go. Chief Buehler said he will notify Rev. Paula Roulette that it’s okay.

Trustee Eriksen said he’d like to have a public comment period. Trustee Zapata asked if there is anyone on the line that would like to make a comment. No one answered.

Approval of Bills – Trustee Sennett advised that there was a meeting today with the office and CPA Leeson. Everything is posted through April and mostly through May, we are moving towards monthly reconciliations, posting deposits as they happen, and Quick Books for Electric. A lot of good things are going on. **Resolution #2020-135:** On the motion of Trustee Eriksen, seconded by Trustee Sennett, it was resolved and unanimously carried (5-0 in favor) that bills from Abstract #000 and Abstract #1 be audited and paid as follows:

Abstract #000 (FYE 2020 Expenses)

General Fund	Vouchers #1110-1145	Checks #23231-23266	\$26,247.82
Sewer Fund	Vouchers #112-121	Checks #6339-6348	\$17,073.98
Electric Fund	Vouchers #290-300	Checks #7216-7226	\$11,432.56
Water Fund	Vouchers #147-150	Checks #4743-4746	\$ 1,927.71
Capital Project	Vouchers #79-80	Checks #1082-1083	\$ 6,622.39

Abstract #1 (FYE 2021 Expenses)

General Fund	Vouchers #1146-1159	Checks #23267-23280	\$66,062.64
Sewer Fund	Vouchers #121-123	Checks #6349-6351	\$ 4,079.01
Electric Fund	Vouchers #301-305	Checks #7227-7231	\$ 2,987.45

Executive Session – Resolution #2020-136: On the motion of Trustee Eriksen, seconded by Trustee Zapata, it was resolved and unanimously carried (5-0 in favor), to move into Executive Session for contract negotiations at 7:39 p.m. **Resolution #2020-137:** On the motion of Trustee Sennett, seconded by

Trustee Eriksen, it was resolved and unanimously carried (5-0 in favor) to end the Executive Session at 8:57 p.m.

Adjournment - **Resolution #2020-138**: On the motion of Mayor Hubbard, seconded by Trustee Sennett, it was resolved and unanimously carried (5-0 in favor) to adjourn the meeting at 8:57 p.m.



Patty Couch, Vil. Admin./Clerk-Treasurer

