

**OPERATIONS MEETING, VILLAGE BOARD OF TRUSTEES**  
**THURSDAY, SEPTEMBER 29, 2011**  
**7:30 P.M.**

**PRESENT:** Mayor Marty Hubbard, Trustees Marc Angelillo, John Crompt, Sue Jones, and Mary Sennett, Director of Municipal Operations (DMO) Bob Lotkowitz, Village Attorney Mike Byrne

<b>OTHERS</b>	Gale Pitarys	98 West Lake Street
<b>PRESENT:</b>	Dave & Pat Blackwell	80 West Lake Street
	Peter Drescher	83 West Lake Street
	W. Dennis Owen	81 West Lake Street
	Kevin Shumway	104 West Lake Street

**WEST LAKE STREET** – DMO Lotkowitz commenced discussion by giving a status of the West Lake Street reconstruction project. The storm system was installed to a point just before the Weitsman property last year and this year from there to about 150' beyond Blackwell's property. The remaining storm system work to be completed was shown as a dotted line on the drawing he displayed. DMO Lotkowitz then provided the project background as follows:

- In the March/April 2010 timeframe there was a meeting with Town representatives to review the project documents and how the planned improvements would impact the Town. The design goal was not to increase any flow in the culvert to the Ruston's property.
- A re-design was necessary to move some water flow to the north and reduce the flow to the south. July 2011 construction documents included those corrections – from existing flows, all flows were reduced. Curbing all the way south from Rt. 20 to the Village line on West Lake Street was included.
- Atty. Byrne clarified that on the Town side of the Village line, the Town's drainage goes north and discharges onto the Reynolds property and then under the road onto the Ruston property. At present, we don't discharge directly into that area, except from the Prentiss Drive detention basin.
- As of July, we had a design that reduced flows.
- In April, 2011, DMO Lotkowitz told the Town we were moving forward with the design.
- On August 2, 2011 a copy of Town Supervisor Terri Roney's Email to John Camp (of C&S Engineers, the Town's engineering firm) was received. The Email informed Mr. Camp that the Town does not want any improvements constructed on Town property or rights-of-way.
- Supervisor Roney wrote the Village on August 5, 2011 to clarify the Town's position regarding construction and installation of storm water improvements on Town property or rights-of-way. Atty. Byrne read aloud portions of the letter: "One of our concerns over constructing improvements in that area relates to the history of protracted litigation involving a property owner in the area. That litigation has finally been resolved. Although our respective engineers have issued opinions regarding calculations and conclude reduced rate and volume of storm water flowing into Mile Point Brook, there is always the unanticipated event, whether it is a 100-year flood event, a 500-year flood event or something in between. As a result, we do not want to modify the natural flow of storm water in a manner that could expose the Town to future litigation. We recognize you and your Board are under pressure due to drainage concerns of Village residents in that area who desire the project be completed as contemplated by your plans". Atty. Byrne said it is at that point that the Town indicates that they will allow the Village's project to go forward but want to see us put together an Inter-Municipal Agreement (IMA) in which the Village would indemnify the Town against claim etc. arising out of our use of their easement etc.

DMO Lotkowitz informed the Board that the original plan, agreed to by the Town, included the installation of three Stormceptors (improves water quality) and storm traps (storage facilities) plus 550 ft. of 18" storm sewer pipe, and four catch basins, all of which will be in the Town's road. The flow would be controlled and water would be let out at only one location instead of sheeting and gravity flow. Water is delayed and let out at a controlled flow - the design is engineered. In response to Trustee Sennett, Mayor Hubbard said we have to discharge into Mile Point Brook – there is no way to contain all the water in the Village. Trustee Jones commented that it is foolish to do all that work, knowing that we have a drainage problem, but not complete the new sewer. DMO Lotkowitz said we have something to clean

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the water and reduce flows. He explained that an alternate, revised plan would use two routes for the water flow instead of one. The large underground concrete detention structure would be eliminated and thus runoff would be diverted to an existing detention basin between Prentiss Drive and West Lake Street, plus some of the flow going through the new sewer and discharging in the Town's right of way.

- The revised plan, that Town Engineer Camp advised Supervisor Roney about in his September 13, 2011 Email, includes some minor adjustments to the outlet structure of this detention basin. This existing detention basin's outlet channel discharges directly onto the private property at the northern end of the Town. Atty. Byrne then read Supervisor Roney's September 13 response to Mr. Camp: "Please do not proceed with a review of the revised approach. Throughout this Village project, the Town has expressed the need to be sensitive to the private property owners in this area due to past relationships. The proposed changes will result in an increase in volume across the Reynolds property exposing the Town to potential litigation. We cannot agree to take that risk. The Village will need to revert to the original plans designed and reviewed by your (C&S) office installing the concrete detention structures".

Atty. Byrne said that from Supervisor Roney's point-of-view, the Town has been through litigation and is worried about going through it again. Town Atty. Pat Sardino indicated he is comfortable proceeding with the original design, but with an IMA and hold harmless in place. In response to a question regarding the amount and timing of remaining work, DMO Lotkowitz said the storm system would be installed first, followed by curbing and paving – an additional 800' of road work to do beyond what we'll do this year. It will be a major construction project. He confirmed that the costs were included in the original project total. Further discussion followed about an IMA. Trustee Angelillo asked if there is a chance the creek would flood a home or homes – can the IMA stipulate for current properties only (as opposed to future construction). Trustee Jones said suppose someone builds a creative architectural building/home over the creek. Trustee Sennett asked if there are benchmarks of what the flow is and if the Town agrees with the numbers. DMO Lotkowitz said the models are fairly consistent and are within 5-10%. It's the same water that ends in the creek; all precautions were put in the design. In response to a question from Atty. Byrne, DMO Lotkowitz said the DEC and the City of Syracuse have seen the original plan and indicated that it is acceptable. Trustee Angelillo asked if we need to agree to move forward with the original design and enter into an IMA. Atty. Byrne said the other option is to do nothing. Trustee Angelillo said he is comfortable with the original plan, is conceptually okay with the IMA, and is in favor of proceeding. Atty. Byrne clarified that indemnification means that the Village would have to defend the Town and we'd step in front of them and assume all costs of defending any claim of loss or damage asserted against the Town as a result of construction, maintenance and repair of the improvements and downstream maintenance and repair as a result of the improvements. Trustee Angelillo said it is an engineered design. Trustee Sennett said there is confidence that flow is going to be reduced. In response to Mayor Hubbard, Atty. Byrne said we'd get the Town's agreement of the original storm sewer plan through the IMA. Relative to the roadway elevation, DMO Lotkowitz said nothing is changing with the storm system. Trustee Crompt said he agrees with Trustee Angelillo's concern about future construction. DMO Lotkowitz said everything is engineered for current properties. **Resolution #2011-169:** On the motion of Trustee Angelillo, seconded by Trustee Jones, it was resolved and unanimously carried (5-0 in favor) to proceed with the construction of the remaining storm sewer improvements and curbing, including the original plan for improvements located within the Town portion of the road and to conceptually approve of an Intermunicipal Agreement between the Village and Town of Skaneateles. In discussing the motion and in response to Atty. Byrne indicating that he will call Town Atty. Sardino tomorrow, Mayor Hubbard asked Atty. Byrne to try to get language incorporated about current conditions into the IMA. DMO Lotkowitz said he will have EDR do the layout of the road and provide us with a complete, final set of plans to include with the IMA. He added that he can commence ordering Stormceptors, etc. to be ready to move forward next spring/early summer. In response to Mayor Hubbard, DMO Lotkowitz said he thinks it will take three months to complete the entire project. Atty. Byrne asked if work on the Reynolds property will be completely within the right-of-way. DMO Lotkowitz said it will be in the Town's easement with equipment entering from the street. There was discussion about installing some additional curbing this year, but Mayor Hubbard said he doesn't think it would be a good idea to hold up paving at this time of year. Relative to the collection of water, Dave Blackwell suggested that it would be a big plus for the Village to go beyond the McKinnell property (88

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West Lake Street) to the south another 150-200' and put in another catch basin. DMO Lotkowitz said he will have EDR look to determine the impact on the system. Gail Pitarys thanked the Board and asked how the street is going to be left this year. DMO Lotkowitz said we will have binder put down. Kevin Shumway asked if there is any temporary remediation to send the water to the natural perimeters of 102/104 West Lake Street. DMO Lotkowitz agreed to look at it. West Lake Street residents thanked the Board and left the meeting.

**PARKING** – Trustee Sennett reported that the Parking Committee met yesterday for what she thinks is the last time and she thinks everything is okay. Sue Dove reviewed recent changes with her Board and they indicated their concurrence. Trustee Sennett said the only off-street parking regulations will be on structures with overnight accommodations. Money will be generated through user fees, and the old fire station lot will have free and fee parking. Trustee Crompt said we will also see if the current kiosks can be retrofitted to accept credit cards and fees may be adjusted. Bob Eggleston had three comments – one was tossed out, but the other two will be incorporated. Trustee Jones noted that there is not a “get out of jail” card. Atty. Byrne said he will draft a clean version of the local law. Trustee Sennett said they would like to bring this up at the meeting of October 13 to set a date for a Public Hearing one month later. She added that she doesn't want to put pressure on Atty. Byrne but acknowledged that the Planning Board and Zoning Board of Appeals have not been involved in the formation of this new local law and should probably have an opportunity to review it and make comments prior to the Village Board authorizing a Public Hearing. Atty. Byrne said he hopes to have the draft done by a week from yesterday, so that would allow them a week for review prior to the Village Board's meeting.

**JULIE ABBOTT-KENAN CONCERN** – DMO Lotkowitz said he contacted Kevin Castro to make a physical inspection of the area from West Lake Street to the top of Tallcot Lane and make a subsequent recommendation. Mayor Hubbard directed DMO Lotkowitz to stay on top of this.

**Adjourn** – The meeting adjourned at 8:52 p.m.

  
Patty Couch  
Village Clerk/Treasurer