

Town of Scipio March 2023 Board Meeting Minutes

The Town Board of Scipio, Cayuga County, State of New York held their monthly meeting on Wednesday, March 8, 2023, 7pm at the Town of Scipio office, 3705 State Route 34, Scipio Center, NY 13147.

Present: Gary Mutchler, Susan Allen, Jason Botsford, Mark Ferrari, Melinda Pitman

Others Present: Ann Robson, Bill Hall, Jeff Eaton, Rolland Dodge, Gary Gordan

1. The meeting was called to order at 7:03pm by Supervisor Mutchler.
2. Approve March 8, 2023, meeting agenda. A motion was made by Council Member Allen, second by Council Member Botsford. All in favor. 5/0
3. Issues from town residents - none
4. Resolution 2023- 21 Approve February 8, 2023, Town Board Meeting minutes. A motion was made by Council Member Allen, second by Council Member Pitman. This resolution was:
Adopted Ayes 5 Mutchler, Allen, Botsford, Ferrari, Pitman
 Noes 0

5. **Resolution 2023- 22** Adopt NYS Unified Solar Permit.

The Town Board for the Town of Scipio, New York (the "Town"), duly convened in regular session on March 8, 2023, at the Town Office Building, located at 3705 Route 34, Scipio Center, NY 13147, does hereby resolve as follows:

WHEREAS, The Town Board duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

WHEREAS, The Town Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code and the Town Zoning Ordinance; and

WHEREAS, The Town requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal, or demolition of any building or other structure; and

WHEREAS, The New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS, The New York State Energy Research and Development Authority has developed a NYS Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes; and

WHEREAS, The Town Board desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures,

NOW THEREFORE, BE IT RESOLVED, the Town Board hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems; and it is further RESOLVED, the Town Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

RESOLVED, any further actions required of the Town to affect the foregoing are hereby authorized and the Town Supervisor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

Motion made by Supervisor Mutchler, second by Council Member Pitman, be it RESOLVED, this resolution shall take effect immediately.

Adopted Ayes 5 Mutchler, Allen, Botsford, Ferrari, Pitman
 Noes 0

6. Discussion on proposed Local Law #2 – Town Attorney Eaton explained the Low-Income Senior Citizen exemption of town taxes. Assessor Garner calculates there are 35 eligible town residents, whose exemptions would total \$493.85. This law is a type 2 SEQR action.

7. **Resolution 2023-23** Approve Introductory Resolution of Proposed Local Law #2 section 467.

A Local Law to Provide a Real Property Tax Exemption Under Section 467 of the New York Real Property Tax Law WHEREAS, pursuant to Municipal Home Rule Law Section 20(4), Board Member Susan Allen has introduced for consideration Local Law No. 1 of 2023 entitled “A Local Law to Provide for a Real Property Tax Exemption Under section 467 of the New York Real Property Tax Law” (the “Proposed Local Law”); and

WHEREAS, the purpose of the Proposed Local Law to implement within the Town of Scipio (the “Town”) the real property tax exemption currently available under section 467 of the New York Real Property Tax Law (RPTL) to grant a partial exemption from real property taxes for low-income persons 65 years of age and over; and

WHEREAS, the Town Board desires to comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”), with respect to the adoption of the Proposed Local Law; and

WHEREAS, the Town desires to comply with the requirements of the New York Town Law and the New York Public Officers Law and shall schedule a public hearing to allow the public to comment on the Proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public hearing on April 12, 2023, 2023 at 7:00 p.m. to hear all persons interested and to consider the adoption of the Proposed Local Law; and

BE IT FURTHER RESOLVED that the Town Board hereby classifies the Proposed Local Law as a Type II Action under SEQRA involving the “adoption of regulations, policies, procedures and local legislative decisions” as set forth in Section 617.5(c)(33) of the Regulations; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of such a public hearing to be published in the official Town newspaper in accordance with all legal requirements.

Motion made by Council Member Allen, second by Council Member Botsford, this resolution was:

Adopted	Ayes	5	Mutchler, Allen, Botsford, Ferrari, Pitman
	Noes	0	

8 Discussion on proposed Local Law #3 – Town Attorney Eaton explained the Cold War Veterans exemption.

Adoption of this town law will allow veterans who served during specific dates to receive exemptions. Assessor Garner calculates there are 3 town residents who would qualify for the \$39.60 exemption, totaling \$118.80. This law is a type 2 SEQR action.

9 **Resolution 2023-24** Approve Introductory Resolution of Proposed Local Law 3 of the Year 2023; A Local Law to Provide for a Real Property Tax Exemption Under Section 458-b of the New York Real Property Tax Law

WHEREAS, pursuant to Municipal Home Rule Law Section 20(4), Board Member Susan Allen has introduced for consideration Local Law No. 2 of 2023 entitled “A Local Law to Provide for a Real Property Tax Exemption Under section 458-b of the New York Real Property Tax Law” (the “Proposed Local Law”); and

WHEREAS, the purpose of the Proposed Local Law to implement within the Town of Scipio (the “Town”) the real property tax exemption currently available under section 458-b of the New York Real Property Tax Law (RPTL) for “Cold War Veterans” as that term is defined in section 458-b(1)(a); and

WHEREAS, the Town Board desires to comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”), with respect to the adoption of the Proposed Local Law; and

WHEREAS, the Town desires to comply with the requirements of the New York Town Law and the New York Public Officers Law and shall schedule a public hearing to allow the public to comment on the Proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public hearing on April 12, 2023, 2023 at 7:00 p.m. to hear all persons interested and consider the adoption of the Proposed Local Law; and

BE IT FURTHER RESOLVED that the Town Board hereby classifies the Proposed Local Law as a Type II Action under SEQRA involving the “adoption of regulations, policies, procedures and local legislative decisions” as set forth in Section 617.5(c)(33) of the Regulations; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of such public hearing to be published in the official Town newspaper in accordance with all legal requirements.

Motion made by Council Member Allen, second by Council Member Botsford

Adopted Ayes 5 Mutchler, Allen, Botsford, Ferrari, Pitman
 Noes 0

10 Discussion on Local Law #1 – Scipio Volunteer Fire Fighters section 466-g, town Attorney Eaton explained that 10% is the maximum allowed by New York State. This introductory resolution was presented during the February 8, 2023 town board meeting.

11. **RESOLUTION 2023-25** Establishing Energy Benchmarking Requirement for Certain Municipal Buildings
The Town Board for the Town of Scipio, New York (the “Town”), duly convened in regular session on March 8, 2023 at the Town Office Building, located at 3705 Route 34, Scipio Center, NY 13147, does hereby resolve as follows:

WHEREAS, buildings are the single largest user of energy in the State of New York and the poorest performing buildings typically use several times the energy of the highest performing buildings for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town Board desires to use Building Energy Benchmarking (as hereafter defined), a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town; and

WHEREAS, the Town Board therefore desires to establish procedures and guidelines for the Town to conduct Building Energy Benchmarking.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby adopt and impose the following Building Energy Benchmarking policies and procedures:

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(1) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(2) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(3) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Town Clerk’s Office.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 1 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1 every year, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1 each year for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

BE IT FURTHER RESOLVED that the Town Board hereby directs the Town Supervisor and Town Clerk to execute such other and additional documents as may be required to carry out this Resolution.

Motion made by Supervisor Mutchler, second by Council Member Botsford was:

Adopted Ayes 5 Mutchler, Allen, Botsford, Ferrari, Pitman
 Noes 0

- 12 Discussion on Town Ethics Policy – Town Attorney Eaton provided a first draft document on the Code of Ethics of the Town of Scipio, for the town board to review and ask questions. No action was taken. This needs further discussion and board members were encouraged to compare the current Town Policy and contact the town attorney with questions.

13 Officer Reports

- a. Assessor – No report presented.
- b. CEO – A submitted report was reviewed and is attached to these minutes.
- c. Clerk – Disbursements paid to the Town Supervisor for February 2023 totaled \$1,556.00. To date 978 tax payments have been processed. Deadline to submit articles for the Town Spring Newsletter is March 27,2023.
- d. Highway Superintendent – With recent snowstorms during the weekends, the highway crew are working overtime. Superintendent Hall attended an Advocacy Day in Albany earlier today. Cayuga County SWCD has approved a ditch remediation project on Ensinore Rd, to install cement traps and replace culverts. Work will begin this Spring. Their application to replace the town’s salt shed was not awarded this cycle. Town Attorney will assist in a bid proposal with Global Energy to switch out municipal lighting.

14 Board Member Reports

- a. Susan Allen shared the Request for Proposal #1 of 2023 for town transfer station trash and recycling services will be sent to vendors with a bid due date of April 5, 2023. The sealed bids will be opened at the April 12, 2023 Town Board Meeting.
- b. Jason Botsford reported that Dr. Benson from Homestead Veterinary Clinic will administer the town’s Rabies Clinic on Saturday, May 6, 2023, from 10 am – 1pm.
- c. Mark Ferrari brought to the board’s attention the community need to bring the baseball field behind the Scipio Fire Department, up to Little League Baseball standards. Attorney Eaton reminded the board that the town cannot use municipal funds to support this project. Supervisor Mutchler mentioned recent communication with SunEast on the solar array application. Attorney Eaton will be cc’ed on all future communication between the town and SunEast. The town engineer Tim Buhl will be attending the April 12, 2023 Town Board meeting with updates on the Renovation Project.
- d. Melinda Pitman shared the NYS Association of Towns conference was enlightening with talks on green energy, climate smart communities, cellular infrastructure and broad band coverage. Further discussion is needed on town plans for an electric vehicle charging station, replacement of the highway vehicles to electric, grant applications for consolidated funding, and opportunity for future funding options.

15 Supervisor’s Report

- a. **Resolution 2023-26** Amend Budget: Debit A1990.4 Contingent Account \$6300, Credit A1420.41 Attorney Project- Contractual. Motion made by Council Member Allen, second by Council Member Botsford.
Adopted Ayes 5 Mutchler, Allen, Botsford, Ferrari, Pitman
 Noes 0
- b. Status of town court fax service: The fax machine purchased by the town court could not be installed with the current phone line and was returned. McManus IT Solutions was hired to review the town office’s set-up. They were able to use the Verizon service to run a secure fax line to the Xerox multi-functional machine which brings the town court into state compliance.
- c. Association Of Town’s Finance Training: Town Bookkeeper Rolland Dodge will be attending the May 8-9, 2023 session scheduled in Geneva. Cost - \$200.00
- d. Electric Service: Supervisor Mutchler informed the board that the town is looking at other vendors for electric service. This will be further discussed at the April 12, 2023 Town Board meeting.

16 Other Business

- a. Attorney Eaton recommended that every board member use their town email accounts for town related activities, not their personal email accounts. He suggests we draft every email with the understanding that FOIL can be requested of any and all email usage. Council Member Allen asked if ZBA and Planning board members should use town emails. Attorney Eaton replied at least the chairs should have a separate town email account.
- b. Executive session: Council Member Botsford made a motion to go into Executive session, second by Council Member Allen. All in favor 5/0. Discussion followed; no action was taken in session. Council

Member Allen made a motion to leave the Executive session, second by Council Member Ferrari. All in favor. 5/0

17 Review Abstract #3

- a. **Resolution 2023-27** General Fund vouchers 33-59, total \$18,608.86. Motion was made by Council Member Allen, second by Council Member Pitman was:

Adopted Ayes 5 Mutchler, Allen, Botsford, Ferrari, Pitman
 Noes 0

- b. **Resolution 2023-28** Highway Fund vouchers 13-18, total \$1,000.33. Motion made by Council Member Allen, second by Council Member Pitman was:

Adopted Ayes 5 Mutchler, Allen, Botsford, Ferrari, Pitman
 Noes 0

18 Next Meeting – Wednesday, April 12, 2023, 7pm, at town office.

19 Adjournment: Motion to adjourn made by Council Member Pitman at 10:06 pm. All in favor 5/0

Respectfully submitted,

Ann Robson

Town of Scipio Clerk

Town of Scipio
Code Enforcement Office
P.O. Box 71
Scipio Center, New York 13147
315-364-5740

Monthly Report – March 2023 Town Board Meeting

PERMITS ISSUED:

23-4 Kenneth Minde, 1981 Center Road, 40' x 64' pole barn.

**23-5 Laurie Pattington, 3357 State Route 34B, interior renovations/
alterations.**

Scipio Planning board review:

**Stephen Hartwig – 84 Fire Lane 11 – site plan review for proposed
accessory structure (garage/storage building). Application tabled and
additional information requested by the Planning Board from the
applicant.**

ZBA review:

NONE

COMMENTS/QUESTIONS/CONCERNS:

**I completed and submitted the 2022 Annual Report of Scipio Code
Enforcement activities to the New York State, Department of State,
Division of Code Enforcement Administration, as required under Title
19 of New York State Codes, Rules and Regulations. (This report is
required to be submitted by April 1, 2023.)**

Respectfully submitted 03/08/2023.

J. Patrick Doyle, Code Enforcement Officer 
(315) 729-3921 codeenforcement@townofscipio.com