

**TOWN OF NORTH HARMONY
SPECIAL TOWN BOARD MEETING
MONDAY, 7/29/2013, 7:00 PM**

SALLY P. CARLSON, SUPERVISOR	PRESENT
RALPH WHITNEY, COUNCILMAN	PRESENT
FRANK STOW, COUNCILMAN	PRESENT
DICK SENA, COUNCILMAN	PRESENT
DUNCAN MCNEILL, COUNCILMAN	PRESENT

OTHERS PRESENT: Brad Lawson, Zoning C.E.O.; Dave Stapleton, Attorney; Dick Johnson, Planning Board; Clayton & Helen Emick; Jacquelyn Riek; John McGraw

The meeting was brought to order at 7:00 PM and all rose for the Pledge of Allegiance.

- **BOOTEY BAY PROPERTY (TAX MAP ID# 332.11-1-17.2 AND 332.11-1-17.3)**

Mrs. Carlson said NYS-DEC had sent a letter to the town dated 5/20/13, indicating that they had an opportunity to purchase the 28 acre Bootey Bay property owned by John McGraw and adjacent to Tom's Point which they already own. They proposed using Environmental Protection Fund (EPF) money for the purchase and requested the towns' comments and concerns about the proposal. Mrs. Carlson said she had sent a letter of objection dated 6/11/13, to the DEC because the town had spent many hours working on the housing project. She said she, Mr. Stow and Mr. Stapleton had met with the DEC and John McGraw and had reached a compromise of sorts in which the town would obtain some taxable property. She said NYS was not interested in purchasing the land without any lakefront so the compromise was that Mr. McGraw would be able to sell five (5) 100' lakefront lots and have a 50' wide road down into it with a turnaround and NYS would purchase the balance of the land. She said the reason the town had any say in the sale was because of the type of funding that NYS-DEC would be using. If it were simply to be a wildlife or park type project they could have used their money to purchase it and the town would have had no say at all. With the funds they are using they need municipal approval for the purchase of the land. She said this proposal would generate approximately \$3,000,000 in taxable assessment based on the lot and home sales. She said each home would have private septic and well.

Mr. Stow indicated that NYS DEC would like to protect as much of that area as possible because it is Muskellunge habitat and spawning ground.

Mrs. Carlson said NYS intends to tear down the Power Boat Club and just leave the land vacant.

Mr. Sena asked if there had been any discussion of public access or use of the land.

Mrs. Carlson said they will maintain the road that goes down to it but that is all. She said they look at this as an addition to their trail system but they will not provide any attractions or facilities to enhance it.

Mrs. Emick asked if there would be any nets restricting boats from coming and going in front of the 5 home lots or would it be open water.

Mrs. Carlson said not in front of the private homes, but NYS can put anything they want in the water in front of their property.

Mrs. Emick asked if any of the lots have been sold.

Mrs. Carlson said she had heard one had been sold but that had not been verified.

Mrs. Riek asked what the parcel size is for the 5 lots.

Mrs. Carlson said they are all 100' wide and in excess of the 40,000 sq. ft. required for buildable lots.

Mr. Stapleton said to clarify, Mr. McGraw had transferred one lot to his daughter, but it was unclear if that had been legally filed.

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Mr. Lawson said that Mr. McGraw had received an Area Variance from the Zoning Board of Appeals for 100' lot width (125' required in R-5 District). Mr. Lawson said that Mr. McGraw must still abide by those conditions set forth in the ZBA approval of his application. One of the conditions was that the homes on the lake be single story and 40' x 70' large.

It was discussed that Mr. McGraw must still abide by the terms set forth in the original Appeals grant.

Mr. Stapleton clarified that the town board is not acting on any application at all. They are acting only on the NYS-DEC proposal for the purchase.

Mrs. Carlson said the process involves the NYS DEC obtaining an appraisal on the property; making an offer to Mr. McGraw; acceptance of the appraised value and offer by Mr. McGraw; and then they go back to NYS to apply for the funding.

Mr. Stapleton said it was very unusual for the state to deny funding originally because the town board opposed the removal of the property from the tax roll.

Mrs. Carlson said whatever type of funding they are seeking, it hinges on municipal approval of the purchase. She said she had insisted on the turnaround for the town snow plows as a part of the plan acceptance.

Mr. Sena asked if NYS had discussed any type of clean up on the property as there is a lot of trash down there (i.e. mattresses, etc.).

Mrs. Carlson said no.

Mr. Emick asked if the town has received anything in writing from the DEC.

Mrs. Carlson and **Mr. McGraw** indicated they have received nothing in writing from the DEC. Mrs. Carlson said the appraisal would have to come first.

Mr. Sena said there probably would not be anything in writing until there is an approval and a submission of the map to them and then they would get the ball rolling.

Mrs. Emick asked if there were any minutes of the meeting with the DEC indicating what the town was being asked to approve.

Mrs. Carlson said no, they do not do things that way.

Mr. Whitney said the town board would specify the conditions of approval and those will be in writing and based on the map.

There was further general discussion.

Mr. Johnson asked how much lakefront the DEC would get.

Mr. McGraw said around 466' of lakefront.

Mrs. Carlson asked if there were any further questions.

• **MOTION # 79 OF 2013**

MR. WHITNEY MOTIONED IN SUPPORT OF THE SURVEY MAP RECEIVED ON 7/23/13 FROM JOHN MCGRAW, BOOTY BAY LLC AND REVISED BY THE TOWN BOARD ON 7/29/13, SHOWING FIVE(5) 100' WIDE LAKEFRONT LOTS; A 50' WIDE ROAD ROW; AND A

CUL-DE-SAC LARGE ENOUGH FOR AN EMERGENCY VEHICLE TURNAROUND, TO BE RETAINED BY MR. MCGRAW. FURTHER, MR. WHITNEY MOTIONED IN FAVOR OF THE PROPOSED SALE OF THE REMAINDER OF THE BOOTEY BAY PROPERTY AS SHOWN ON THE MAP, ENCOMPASSING A PORTION OF TAX MAP ID # 332.11-1-17.3 TO THE NEW YORK STATE DEC. MR. STOW SECONDED. AYE (5); MCNEILL, WHITNEY, CARLSON, STOW AND SENA. NO (0). THE MOTION WAS CARRIED.

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- **NEW YORK STATE LOCAL WATERFRONT REVITALIZATION (LWRP) GRANT \$100,000**

Mrs. Carlson said the LWRP Grant is a matching fund grant and applications must be submitted by 8/12/13 to be considered. She asked for authorization to apply for a \$100,000 (town's share \$50,000) grant. She said her grant would propose a natural history museum and handicap trail. She said we already have \$20,000 in the purchase of the original Regner property and an assessment on the 2 acres of designated wetlands behind it at \$1,100 in assessment. She said there have been additional costs for work done at the property but she does not have the figures and estimates the total already spent to be around \$30,000 which would make the town's cost about \$20,000. Mrs. Carlson said ironically someone had inquired about purchasing the property this morning and she indicated to them that even if the town received the grant, if they wanted to purchase it and a legitimate offer was made, the town could turn down the funding.

Mr. Sena asked about the matching fund grant criteria.

Mrs. Carlson said the way it works is that the town would have to spend the money and then they would reimburse you for 50%. She said it could also be "in kind" services.

Mrs. Emick asked how committed the town board was to accepting an offer on the property. She said the land needed to go back on the tax rolls.

Mrs. Carlson said she had told the prospective buyer's if they came in with a legitimate offer, she would support it. She said she has no problem with putting it back on the tax roll.

Mrs. Emick said the town's conception of a decent offer versus someone else's might be different.

Mrs. Carlson said it would have to be more than \$20,000.00.

Mrs. Emick said as a taxpayer she feels the town has taken too many properties off the rolls that could be sold. She said the "for sale" sign has not been on the property for some time during the busy summer season when the advertisement may have generated an offer.

Mrs. Carlson agreed the sign had been down this summer, but it had been up before and no offers had been made. She said it had also been advertised on Craig's List.

Mr. Whitney said the town at least needs to get their investment out of the property. He said the town had originally purchased the property so that it could be cleaned up.

There was further general discussion of the property and advertising its sale as well as other properties the town owns and does not own.

Mr. Sena said the Raynor property next door to the community building was purchased at a minimal cost because the town can foresee the need for replacement of this building or expansion of the court at some time in the future.

Mr. Emick asked about specifics on the grant.

Mrs. Carlson said it would be for a natural history style of museum that classrooms could use and children

could learn about and the types of things we get to see every day (i.e. wildlife etc.).

Mr. Whitney reminded those present that the original motion to purchase the Regner property was conditioned on the return of the property to the tax roll.

- **MOTION # 80 OF 2013**

MR. STOW MOTIONED TO AUTHORIZE THE SUPERVISOR TO APPLY FOR A NEW YORK STATE LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) MATCHING FUND GRANT IN THE AMOUNT OF \$100,000 (TOWN SHARE \$50,000). MR. MCNEILL SECONDED. AYE (4); MCNEILL, WHITNEY, CARLSON, STOW. NO (1) SENA. THE MOTION WAS CARRIED.

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- **MOTION # 81 OF 2013**

ON A MOTION MADE BY MR. SENA AND SECONDED BY MR. STOW AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 8:50 PM.

Nancy M. Thomas
Town Clerk