

At 7:10 p.m. Supervisor Webb A. Stevens called to order the special meeting of the Spafford Town Board. Councilors Billy Vinzant, Joyce Barnett, Richard Fesko and Ken Lieberman were present. Town Clerk Lisa Valletta was also present. The purpose of this meeting is to discuss the proposed use of the property at 1865 East Lake Road. Spafford Area Historical Society representatives Victor Sayko, Elizabeth Rogalia, Ted Lavery, and Mary ~~Louise~~-Osborne were present.

Supervisor Stevens explained no voting or formal decisions would take place at this meeting. The meeting should be duly published and there was insufficient time to publish the notice. Supervisor Stevens invited Councilor Barnett to explain which side of the pending discussion she would be representing. Councilor Barnett responded the Spafford Area Historical Society (SAHS) was adequately represented by those in attendance ~~present~~ and although she is president of SAHS, she is present as a member of the Town Board.

Supervisor Stevens stated discussion of the issue could be interpreted to present a conflict of interest for Councilor Barnett and asked her to recuse herself as Town Board member. Councilor Barnett replied she sought advisory opinions from the State of New York which indicated there is no conflict of interest on her part. Supervisor Stevens stated he consulted the Town Attorney from Hiscock & Barclay, Mr. Andrew Leja. Mr. Leja's opinion is that there is a conflict. There was a discussion of the differing opinions.

Mr. Ted Lavery, a private attorney, commented that there is no profit to be gained by Councilor Barnett and he had advised her to disclose herself as president of SAHS. Following this ~~the~~ disclosure, the Town Board may determine there is no pecuniary or financial interest to be gained and thereby no conflict of interest. Supervisor Stevens explained he would like to avoid an appearance of impropriety and asked Councilor Barnett to recuse herself as a Town Board member for the discussion. There was additional discussion regarding the interpretation of a conflict of interest as related to the upcoming discussion. Mr. Lavery advised Councilor Barnett that her recusal would allow the discussion to proceed. Following additional discussion, Supervisor Stevens asked Councilor Barnett for a direct answer regarding the request for her recusal as a Town Board member. Councilor Barnett responded she would recuse herself as a Town Board member to allow the discussion to take place and the process could move forward; she will stay for the discussion as the president of SAHS. Councilor Barnett added she would prefer to be informed prior to a meeting if she is expected to recuse herself in the future. She also indicated she would like to meet with the Town Attorney and Supervisor Stevens to review the issue of recusal. Supervisor Stevens stated he is willing to proceed with the discussion with the understanding that Mrs. Barnett is present as a private citizen and president of SAHS.-

Mr. Victor Sayko reminded the Town Board that copies of the agreement for easement prepared by

Mr. Bernard Reagan of Reagan & Dailey, the previous Town Attorneys, had been previously provided for their review. Mr. Sayko also displayed a map indicating the intended area of the easement and placement of the septic system. Mr. Sayko stated SAHS has reviewed the agreement and accepted it as written, but he has a question regarding one item in the agreement. He asked if there were any questions from the Town Board regarding the agreement or the map.

The comment was made that the parcel belongs to the Town of Spafford and an area has been allocated for use by SAHS for a septic system, which is designated on the map. SAHS will be responsible for maintenance and upkeep of the property, including correction of any problems that may occur.

Councilor Lieberman noted the 1,000 gallon septic tank is placed along the property line and asked if this was in compliance with Onondaga County Health Department (OCHD) regulations. Mr. Sayko stated the placement of the tank on the drawing was done arbitrarily by the engineer; OCHD has minimum and maximum distance requirements for the placement of a tank. The maximum distance is 75 feet, if placed at the maximum distance additional handicapped parking spaces could be provided.

Councilor Lieberman asked how the size of the easement was determined. Mr. Sayko responded it was dictated by OCHD, a 15 foot frontage is required and additional space must be provided to accommodate future construction or improvements.

Supervisor Stevens asked about the 40 foot right-of-way delineated on the map. Mr. Sayko explained the 40 foot right-of-way from the road to the back of the property was considered the driveway for the property and adequate space is needed for equipment to access the septic system in the future. Supervisor Stevens commented the right-of-way could be reduced; it would not really be needed in the future as there won't be lawn or grass in that area.

Councilor Vinzant asked what other stipulations were made by OCHD other than placement of the tank – is the expansion area a requirement by OCHD? Mr. Sayko explained the expansion area is included on the map in case it is needed in the future and as an attempt to keep future disturbance of the property to a minimum. Mr. Sayko added that parking cannot take place on the septic system, and the expansion area is not included as part of the parking area. The expansion area will be green space and it could be used for overflow parking as needed; play equipment could be placed there if it is not set in concrete or possibly a pavilion.

Councilor Fesko asked how high the raised bed is from ground level. Mr. Sayko explained it is 2 feet above ground level.

Councilor Fesko pointed out the drain line, as drawn on the map, goes onto the neighboring property. Mr. Sayko stated the issue has been discussed by SAHS and perhaps a swale could be created to lead to the road. Councilor Fesko commented it is unlikely a swale could be properly created; perhaps drainage tile to the creek would be a better course if permission could be obtained from the

neighbor. Mrs. Barnett pointed out that the drainage is an issue whether the new septic is installed or not. Councilor Fesko agreed, and pointed out that it cannot be left as it is. Mr. Lavery asked if the drainage tile could be installed to send the water to the roadside. Mr. Sayko explained the property would have to be re graded to adjust the flow of the water. Councilor Fesko suggested creating a berm, which could require as much as three feet of fill. Mr. Sayko pointed out that the lot will need to be built up to create the parking area, it is part of the scope of the installation of the parking; perhaps it could include the necessary grading to accommodate a change in the flow of groundwater. Supervisor Stevens asked where Mr. Sayko was planning to force the water to.

Supervisor Stevens asked where the stakes delineating the property are located. He was only able to locate stake "3". Councilor Fesko stated he also found stake "5". There was a discussion of how to find the two stakes mentioned.

Supervisor Stevens asked Mr. Sayko where the property line is in relation to the Grange building. Mr. Sayko replied the line is eight feet from the building.

Supervisor Stevens asked if the tank and pump chamber could be placed further back on the property and at an angle to the Grange building to conserve some of the space. Mr. Sayko replied yes, the current location is an arbitrary placement. It can be placed as much as 75 feet away from the Grange building. Supervisor Stevens advised Mr. Sayko that if the placement is too far away, gravity flow will not be possible.

Supervisor Stevens asked if there is a crown on the leach field. Mr. Sayko replied there is not.

Mr. Sayko explained the drain line is to catch storm water running from adjacent properties, such as the Harris property, before it can enter the pump line and the leach field. Supervisor Stevens asked how deep the "interceptor line" will be; the engineer will need to develop a drainage plan to avoid water flowing onto the neighboring property. Mr. Sayko indicated there is a four foot drop from the southeast corner to the southwest corner. Councilor Fesko commented a swale would not drain, it would be standing water. Supervisor Stevens asked if it would be possible to have the water flow to the ditch by the road. Councilor Fesko stated there is not enough of a drop in the grade. Mr. Lavery stated the engineer will be contacted and the concerns about the drainage onto the neighboring property and run off from the raised bed will be passed on to him. Councilors Vinzant and Fesko and Mr. Sayko discussed the fact that the design presented only took into consideration the septic plan, not the drainage of the property.

Councilor Fesko suggested the drainage be directed toward the front corner instead of the back corner of the property. Mrs. Mary Osborne asked where water from the Harris property drained to. The answer provided was that it does not drain off the property.

Councilor Lieberman asked if the elevation numbers provided were in feet. Mr. Sayko replied they are.

Mr. Lavery asked when the Town plans to install the septic system. Supervisor Stevens pointed out the Town will not be doing the installation; SAHS is responsible for the installation. Councilor Fesko asked if bids will be required for the installation. Mr. Sayko replied that they will. Mrs. Barnett pointed out that the proposed agreement dictates how the installation is to be handled. Mr. Sayko commented that a different engineer may be overseeing the remainder of the project. Mr. Lavery advised that the concerns regarding the drainage and run off be passed on to any new engineer.

Mr. Lavery asked if the work could proceed once the bids have been received and one has been accepted. Mr. Sayko replied yes.

Supervisor Stevens is still of the opinion the 40 foot right-of-way is extreme; construction equipment is not that wide. Mr. Sayko responded the consideration was that 40 feet is the existing driveway and to retain that width. Mr. Lavery renewed Supervisor Stevens' suggestion that the 40 feet could be established for construction and then the right-of-way could be reduced.

Supervisor Stevens asked where the handicapped entrance will be for the Grange building and will the entire surface up to the building be parking. Mr. Sayko explained the area between the Grange building and the tanks will be a combination of green space, parking and a passing lane. The handicapped parking area is on the roadside of the septic line. The handicapped entrance will be the existing west entrance to the Grange building. A path will be constructed to accommodate wheelchairs. Supervisor Stevens asked if the path would be blacktop. Mrs. Elizabeth Rogalia commented that the State Historic Preservation Office (SHPO) will not permit fully paving the area up to the building. Mr. Sayko stated the path to the handicapped entrance will have a smooth surface.

Supervisor Stevens asked if the well casing had been cut off and filled with cement. Mrs. Barnett replied that action was a part of the demolition project.

Supervisor Stevens is still dissatisfied with the 40 foot right-of-way. He feels it is too large. The easement leaves 92 foot by 122 foot area for parking. Mr. Sayko replied he includes the right-of-way in the parking plan. He envisions using a portion of the right-of-way for handicapped parking. Supervisor Stevens repeated his suggestion of angling the tank and chamber to allow additional parking.

Supervisor Stevens voiced his preference for green median space between the road and the parking area. He asked if SAHS would plant this area. Mr. Sayko replied he also sees a green median space between the entrance and exit to the parking. He sees installation of the green median space as a combined effort. Mr. Sayko has prepared a draft plan which includes the green median space; he would like to present it to the Town Board in the future. Supervisor Stevens commented he would like to see the relationship between the right-of-way and the green median space; the right-of-way could be used as the entrance. Mr. Sayko agrees. Mrs. Barnett commented the Grange building is on the historic register and the purpose of the grant obtained for the Grange building is to provide a community center. Consideration of how the parking will affect the building must be taken. SHPO would like to see a green median space as well.

Supervisor Stevens repeated his request to use the right-of-way as the entrance to the parking area. The entrance could be 12 feet and still be adequate for equipment vehicles, including those used to pump the septic tank.

Supervisor Stevens commented he would like to see green space on the property beyond just the green median space.

Mr. Sayko explained the intent is to establish one-way traffic flow through the right-of-way/entrance; but he asked if 12 feet would accommodate those unfamiliar with the intended flow, who might attempt two-way traffic.

Councilor Lieberman pointed out the traffic access to the road would need Department of Transportation (DOT) approval. Mr. Sayko concurred, and added that only the new "exit" would need approval, the "entrance" is an existing road access. Councilor Vinzant offered his belief that the DOT is not in favor of two-way access to a road.

As a summary of what has been discussed, the following was offered by Mr. Lavery: the septic system plan needs to be revised, adjusting the drain flow and a plan showing placement of green space needs to be submitted to the Town Board.

Supervisor Stevens repeated his suggestion the right-of-way start at 40 feet to accommodate construction, and then revert to 12 feet once construction is complete. Construction of the parking area will be let out for bid after the septic system is completed.

Supervisor Stevens a 40 foot right-of-way can be used for construction, but will only grant a 12 foot right-of-way. Mr. Lavery commented that would be satisfactory. Mr. Sayko asked what the width of a construction vehicle is. Supervisor Stevens replied the width is eight feet.

Mr. Sayko voiced his concern regarding one item in the draft agreement. Item #6 indicates upon termination of the lease, SAHS will restore the property to its condition prior to the lease, above and below grade level. Mr. Sayko is concerned the time is vague; there is no time frame stated in the agreement. He is also concerned that restoring the property to the prior condition could indicate removal of the septic system, which would be unreasonable. Mr. Lavery commented he believes it should be a perpetual easement. Mr. Sayko added the original terms for use of Onondaga County Community Development (OCCD) funds for the Grange building require it be open for public use for a period of ten years; this is SAHS intent. Councilor Fesko asked if the easement space could be deeded over to SAHS, is the Town required to keep the property for a specific period of time? Supervisor Stevens asked, for clarification purposes, if Mr. Sayko would like item #6 of the agreement to be reworded. Mr. Sayko replied yes.

Mr. Sayko pointed out the agreement requires SAHS be responsible for maintenance and upkeep. Supervisor Stevens noted the neighbor, Mr. Dornton, should be spoken to regarding the water run-off on his property and presented with the proposal to allow an easement through his property to the creek for the water.

Supervisor Stevens requested that one key to the Grange building be provided to the Grange Master and one key be placed in the Town Hall. He asked why this was not done previously. Mrs. Rogalia responded that there had been abuse of the privilege of having a key. Mr. Sayko suggested the keys could be made available after completion of the work. Supervisor Stevens commented that the Town's involvement was necessary to obtain the funding for the restoration work. He reasoned that as Town Supervisor, he should have access to be able to inspect the progress of the work. Mr. Lavery stated that assurance from the Town that the key would not go to a third party arbitrarily would be expected. Supervisor Stevens pointed out that SAHS is responsible for granting permission to use the Grange building. Mrs. Barnett explained that is part of the contract with the Town, SAHS, and OCCD. Supervisor Stevens noted that SAHS has control over the Grange building and is responsible for the use of the building; he asked where the Town and the Town Supervisor fit into the equation. Mr. Lavery stated he is comfortable with the thought of the Town Supervisor having access to the Grange building. Supervisor Stevens commented the Town does not have the authority to grant access to the building. Mrs. Rogalia stated the executive board of SAHS grants authority to access the building.

Supervisor Stevens asked if the Grange Master would be granted a key for the building. The current situation is unsatisfactory. Mrs. Osborne agreed it is inconvenient for the Grange to not have a key to the building. Mrs. Rogalia stated she is concerned about a key being given to the Grange Master. Mr. Lavery commented that with luck, the building will be usable by the fall of 2006 and if an unforeseen event occurs, he is secure with the knowledge that a key is available at an alternative location.

Supervisor Stevens expressed his appreciation to Mrs. Barnett for recusing herself as a Town Board member for the discussion. Mrs. Barnett asked to be consulted ahead of time in the future, to allow the opportunity for her to consider the request.

Supervisor Stevens asked that the revised specifications and key be provided to the Town by February; and a change in the drainage should be addressed in the new specifications.

Councilor Lieberman asked when the ten years of public access to the Grange building was to begin. Mrs. Barnett explained it has begun; it is explained in the contract between SAHS, the Town, and OCCD.

The meeting ended at 8:52 p.m.

-

Next meeting to be held
February 10, 2005 @ 7 p.m.
@ Spafford Town Hall

Respectfully submitted by,

Lisa M. Valletta
Town Clerk
Town of Spafford