

At 7:00 p.m. Supervisor Webb A. Stevens called to order the regular monthly meeting of the Spafford Town Board. Councilors Bill Vinzant, Rick Fesko, Ken Lieberman, and Joyce Green were present. Highway Superintendent Carl Wiers, Town Attorney Matt Kerwin, Zoning Board of Appeals Chair Christopher White, Building Inspector Douglas Staley and Town Clerk Lisa Valletta were also present.

HIGHWAY SUPERINTENDENT'S REPORT

- The bills we were receiving for work on the John Deere payloader have been waived.
- Merrill Road has been removed from the seasonal road list. New house construction is expected to begin on Merrill Road in December, therefore the road needs to be kept open through the winter.
- Request the 1994 Ford dump truck with plow be declared surplus equipment, allowing Mr. Wiers to seek bids to sell it.
- There are 20 gabion baskets currently stored behind the cold storage building. They have already been declared surplus; Mr. Wiers would like authorization to sell them.

There was a discussion of the truck and plow. Mr. Wiers is considering asking for a minimum bid of \$5,000. The truck is not scheduled for winter use. It had many breakdowns last winter. Supervisor Stevens noted if the minimum bid was not met; it could be auctioned at a municipal auction.

RESOLUTION 95-2006

Surplus Equipment

On a motion by Councilor Lieberman, seconded by Councilor Fesko the following resolution was PASSED
AYES – 5 Stevens, Vinzant, Fesko, Lieberman, Green
NAYS – 0

Resolved to declare the 1994 dump truck with plow as surplus equipment. Further resolved to authorize Highway Superintendent Wiers to accept bids for the sale of the truck and plow, minimum bid to be \$5,000. Bids will be accepted until December 14, 2006.

RESOLUTION 96-2006

Gabion Baskets

On a motion by Councilor Lieberman, seconded by Councilor Vinzant the following resolution was PASSED
AYES – 5 Stevens, Vinzant, Fesko, Lieberman, Green
NAYS – 0

Resolved to allow Highway Superintendent Wiers to dispose of the surplus gabion baskets in a legal manner.

A motion to accept the Highway Superintendent's Report was made by Councilor Vinzant, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

October 12, 2006 MINUTES

A motion to accept the minutes of the October 12, 2006 meeting as submitted by the Town Clerk was made by Councilor Vinzant, seconded by Councilor Green. AYES – 5, NAYS – 0. The motion PASSED.

AUDIT OF CLAIMS

Two bills submitted for this meeting are to be set aside. The first is from Barton & Loguidice for engineering work regarding the water district. This bill will be held until funding is available to satisfy this bill. It was not entered on the abstract.

The second bill is from Borotek, Inc. for work at the Spafford Cemetery on Cold Brook Road; entered on the abstract as voucher #339. Supervisor Stevens will be meeting with Borotek, Inc. to assess the work prior to payment of the bill.

RESOLUTION 97-2006

Audit of Claims

On a motion by Councilor Lieberman, seconded by Councilor Fesko the following resolution was PASSED
AYES – 5 Stevens, Vinzant, Fesko, Lieberman, Green
NAYS – 0

Resolved the bills on Abstract #11, be paid in the following amounts:

General Fund #310 through # 340, excluding voucher #339 \$28,485.33

Highway Fund #153 through # 165 \$24,424.21

(Highway Fund includes Machinery & Snow bills when applicable).

Town Clerk's October Report

A motion to accept the Town Clerk's October Cash Report as presented was made by Councilor Fesko, seconded by Councilor Vinzant. The motion PASSED. AYES – 5, NAYS – 0.

Review of the Town Supervisor's Report and Statement for October is tabled until the arrival of Town Accountant Thomas Chartrand.

SOUTHERN ONONDAGA AREA WATER DISTRICT

Notice was received by the Town of Spafford that Phase 1B subsurface testing (archaeology survey) is required in specific areas along the routing of the proposed water mains. The cost of this work is not to exceed \$30,114 and was not included in the authorized Barton & Loguidice estimate for services. The work will be completed by Public Archaeology Facility (PAF) of SUNY Binghamton. A proposal was submitted by the Research Foundation of the State University of New York at Binghamton on behalf of the PAF. Said proposal and a signed Notice to Proceed will serve as the agreement.

RESOLUTION 98-2006

Authorization of Phase 1B

On a motion by Councilor Vinzant, seconded by Councilor Fesko the following resolution was PASSED
AYES – 5 Stevens, Vinzant, Fesko, Lieberman, Green
NAYS – 0

Resolved to authorize Supervisor Stevens to sign the Notice to Proceed for the Phase 1B survey within the Southern Onondaga Area Water District.

LAND COVENANT

Supervisor Stevens invited Zoning Board of Appeals (ZBA) Chair Chris White to explain to the Town Board the history of the 2002 Town of Spafford Land Covenant (Covenant) placed on Daniel Hennigan's property on Booth Road. Mr. White explained Daniel Hennigan purchased two pieces of property on Booth Road, one with the Covenant. Mr. Hennigan was aware of the Covenant at the time of purchase.

READING ROOM

Councilor Green presented a proposal for upgrading the Reading Room that is a part of the Community Meeting Room. Councilor Green proposed cataloging of the existing collection of books, dispose of or sell unwanted items. She has a group of volunteers willing to work on the project. Councilor Green also proposed the installation of a computer and printer for public use; possibly with an Internet connection. Councilor Green would donate the computer equipment. There was a discussion of the proposal. The issue of securing the equipment was raised and it was decided the computer would be available only during Town Clerk office hours. To ensure safekeeping outside of office hours, the computer and accompanying equipment would be on a rolling desk or shelf unit to allow storage in the vault.

A motion to proceed with the proposals for the Reading Room was made by Councilor Vinzant, seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

PRINTER FOR TOWN HISTORIAN

Town Historian Barbara Shoemaker recently purchased a printer and would like to submit for reimbursement from her budget. It is used for Town Historian business. Mrs. Shoemaker would like to retain ownership after she is no longer Town Historian, if the printer lasts longer than her occupancy of the position. Councilor Green commented that a printer has a life limit. Mr. Chartrand explained that should the printer be paid for by the Town, upon the end of Mrs. Shoemaker's status as Town Historian, the printer would have to be declared surplus equipment and Mrs. Shoemaker would need to purchase the printer from the Town at the fair market value. Supervisor Stevens commented that if the Town paid for the printer, it would belong to the Town; there should be no provisions attached to the purchase. Mrs. Shoemaker stated she would not submit for reimbursement; she would prefer to retain ownership of the printer.

COMMUNITY EVENTS SIGN

Councilor Green presented ideas for discussion regarding the proposed sign. There was a discussion of the size of the sign and the letters. Councilor Green researched the costs involved; prices ranged from \$1,000 to \$3,000. There was additional discussion of the possible components of the sign. Supervisor Stevens asked if grant money might be available for the project. Councilor Green responded she is looking into grant possibilities, including Community Development. Supervisor Stevens tabled the topic to allow for public input outside of the meeting.

BUDGET TRANSFERS

Mr. Chartrand recommended transferring \$650 from A1670.4 Central Printing & Mailing, Contractual and \$150 from A8020.4 Planning, Contractual to A1680.4 Central Data Processing, Contractual and A8010.1 Zoning, Personal Services. These transfers would cover the cost of the Justice Court program renewal and the billing by the ZBA secretary.

RESOLUTION 101-2006

Budget Transfer

On a motion by Councilor Lieberman, seconded by Councilor Vinzant the following resolution was PASSED AYES – 5 Stevens, Vinzant, Fesko, Lieberman and Green

Resolved to transfer \$650 from A1670.4 Central Printing & Mailing, Contractual and \$150 from A8020.4 Planning, Contractual to A1680.4 Central Data Processing, Contractual and A8010.1 Zoning, Personal Services.

YOUTH PROGRAM

Mr. Chartrand presented the request to be submitted to New York State Office of Children and Family Services for reimbursement of 2006 expenditures. This was presented to Supervisor Stevens for his signature prior to submission.

2007 Proposed Budget

Mr. Chartrand informed the Board members the most recent changes that had been agreed to by the Town Board resulted in a \$0.35 per \$1,000 increase over the 2006 budget. Supervisor Stevens asked if there were any questions from the Board. There were none. Supervisor Stevens asked if any of the public in attendance had questions.

Mr. Wickwire asked if there was any money in the proposed budget allocated for work on Spafford Landing Road and how much. Supervisor Stevens stated there was \$50,000 allocated for work on Spafford Landing Road.

Ms. Weigel asked for an explanation of the increase in the total transportation budget. Mr. Chartrand explained it was from the increase in the Highway Superintendent's salary, street lighting costs and heating, electricity and supplies for the Highway buildings.

Ms. Weigel asked for an explanation of the increase in the Refuse and Garbage budget. Mr. Chartrand explained the contract for service at the Transfer Station affects this budget. There was an increase in the fees charged by the company that was awarded this contract.

Ms. Weigel commented the Total General Revenue appears to have decreased \$50,000. Mr. Chartrand explained the 2005 Total General Revenue was \$144,075 which was driven by the Mortgage Tax received in that year, nearly \$40,000. In 2006, the figure is \$81,530; the 2007 amount is expected to be \$97,024; an increase of \$16,000 over 2006.

Ms. Yuhas voiced her concern over the increase in taxes and the difficulty it places on residents. There was a discussion of the tax base and the concerns of the residents.

BUDGET HEARING

A motion to open the public hearing for discussion of the 2007 proposed budget was made by Councilor Fesko and seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

Councilor Vinzant continued the discussion noting we had an unexpected truck purchase to include in the budget; despite this, the Highway budget was trimmed by \$70,000. It was pointed out by Councilor Vinzant that the budget work meetings are when the decisions are made by the Town Board; these meetings are open to attendance by the public, but historically poorly attended by the public. Councilor Lieberman pointed out one third of the budget is set by the Spafford Fire Commissioners. The Commissioners meetings are also public, and also poorly attended. Mr. Staley remarked that beginning in 2007, the Fire Commissioners will be required to hold public hearings for their budget as well.

Is the money planned for work on Spafford Landing Road more than has been spent on other roads? Mr. Wiers answered it is not. Councilor Fesko commented that different roads have needs in different years; a few years ago, it was Bacon Hill Road; this year it is Spafford Landing Road; roadwork is an ongoing endeavor.

There was a question about the Capital Improvement, Garage funding. Mr. Chartrand explained the money is being put aside to fund construction of a salt shed. It was asked if grants are available for construction of a salt shed. There may be funds available from Onondaga County Soil and Water. It was suggested Senator Valesky be contacted for assistance. Mr. Ireland recommended looking for grants

should be done now; filing the paperwork takes time. Ms. Weigel commented she would be willing to serve on a committee to seek grants for a salt shed.

Is there funding in the proposed budget for public safety? The Town of Spafford is served by Onondaga County Sheriff's Department and the New York State Police; we do not have a local constable and are not looking to create that position at this time. Some municipalities pay the Sheriff's Department for extra patrols in their area. That is not practical for the Town of Spafford at this time.

A motion to close the public hearing at 8:20 p.m. was made by Councilor Vinzant, seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 102-2006

Adoption of 2007 Budget

On a motion by Councilor Fesko, seconded by Councilor Vinzant the following resolution was PASSED AYES – 5 Stevens, Vinzant, Fesko, Lieberman and Green

Resolved to adopt the 2007 Preliminary Budget as the 2007 Actual Budget.

RESOLUTION 103-2006

Clean Up Day/Household Day Waste

On a motion by Councilor Lieberman, seconded by Councilor Vinzant the following resolution was PASSED AYES – 5 Stevens, Vinzant, Fesko, Lieberman and Green

Resolved to allow Appleton Disposal to utilize the Ley Creek Transfer Station for disposal of items collected at the Town of Spafford Transfer Station on Clean Up Days.

PROPOSED LOCAL LAW 2006-1

A motion to open the public hearing for discussion of the proposed Local Law 2006-1(L.L. 2006-1) was made by Councilor Lieberman, seconded by Councilor Vinzant. The motion PASSED. AYES – 5, NAYS – 0.

Mr. Staley explained New York State (NYS) is seeking to have consistency across the state for the administration and enforcement of the Uniform Fire Prevention and Building Codes (UFPBC). NYS has provided a law for adoption by municipalities. Mr. Staley gave a brief history of the Town of Spafford's need for adoption of L.L. 2006-1. He then reviewed some of the specific items covered in L.L. 2006-1. Supervisor Stevens introduced Town Attorney Matt Kerwin.

Are there provisions within L.L. 2006-1 for historic register buildings? Mr. Kerwin explained there are no exceptions, bringing the building up to code may require input from State Historic Preservation Office, but public safety is the concern of L.L. 2006-1.

Ms. Weigel commented she is concerned about the "temporary" classification of the Code Enforcement Officer (CEO). Mr. Kerwin explained he discussed the situation with NYS Division of Codes Enforcement. The NYS requirements are clear – a CEO is required to obtain 24 hours of training. If an appointed CEO is acting in only an administrative position the training is not required; this is essentially the situation in the Town of Spafford. Supervisor Stevens signs documents and relies on Mr. Staley's expertise. NYS is aware of the arrangement; provided that Mr. Staley maintains the necessary training, NYS accepts the arrangement. Ms. Weigel voiced concern that the residents are not best served with this arrangement. Councilor Vinzant replied the Town Board discussed the arrangement for Code Enforcement in the Town of Spafford at length. The Town of Spafford is diverse and Mr. Staley is

extremely well qualified. It was asked why Mr. Staley could not be made CEO for the Town of Spafford. Mr. Staley explained his fees would greatly increase.

Is NYS requiring adoption of L.L. 2006-1? Supervisor Stevens explained there is no written opinion from NYS. When Mr. Richard Thompson from NYS Codes Division met with members of the Town Board and Mr. Staley, Mr. Thompson stated L.L. 2006-1 will correct the majority of violations listed in the 2004 audit of the Building Department.

Mr. Ireland stated he is concerned with the abandoned building description in L.L. 2006-1; it seems quite strict. Mrs. Randall agrees with Mr. Ireland's opinion. There are many homes in the upper end of the Town which the owners cannot afford to bring up to code. Mr. Staley explained L.L. 2006-1 combines administration of UFPBC and unsafe buildings.

Mr. Kerwin explained that the abandoned building section allows for discretion by the Town Board; it does not state that a building must be torn down. If an unsafe building is found, a report would be prepared by the Building Inspector and CEO, and then presented to the Town Board for a decision. It was asked what happens if an unsafe building is reported to the Town Board and the Board decides not to act. Mr. Kerwin explained liability belongs to the homeowner. Mr. Ireland stated he is against adoption of L.L. 2006-1.

Will the Town incur greater expense not adopting L.L. 2006-1; wouldn't L.L. 2006-1 provide better guidelines and allow for local enforcement instead of needing to employ State regulations? Mr. Kerwin explained that enforcement is required whether it is local or State regulations being enforced.

Is L.L. 2006-1 duplicative of current laws in the Town of Spafford? There is nothing in the local laws regulating unsafe buildings; State law only forces the boarding up of unsafe buildings.

How does this affect agricultural buildings? Agricultural buildings, without public assembly, are exempt.

Mr. Eibert is concerned with the omission of the statement that agricultural buildings are exempt; it was included in the NYS Codes Division audit report. Mrs. Randall is concerned that complaints might be filed against many buildings in Town, compelling the Town Board to have them torn down. Mr. Kerwin reminded her that L.L. 2006-1 states they may be torn down, not must. L.L. 2006-1 provides for the cost of demolition to be charged back to the property owner.

Supervisor Stevens asked Mr. Kerwin if the exemption for agricultural buildings could be included in L.L. 2006-1. Mr. Kerwin stated he will confirm the legality of including the exemption prior to adding it to L.L. 2006-1.

Must complaints be written? The Town requests written complaints, but verbal ones are accepted as well. There was a discussion of the complaint process.

Supervisor Stevens summarized the issues brought before the Board concerning L.L. 2006-1: demolition of unsafe buildings; exemption of agricultural buildings; and if L.L. 2006-1 is required by NYS.

Mr. Howley suggested a local group of volunteers could aid older residents with home repairs if necessary for compliance.

Supervisor Stevens and Mr. Kerwin reiterated that L.L. 2006-1 does not require the Town tear down unsafe buildings. Supervisor Stevens requested rewriting L.L. 2006-1 to address the concerns voiced at this hearing.

Does Mr. Staley have the right to go on private property after he has been ordered off the property by the owner? Mr. Staley would need an administrative order to be on the property.

Does a private individual have the right to access other property? No, it can only be viewed from the road; and then, only if he does not become a nuisance.

A motion to close the public hearing at 10:07 p.m. was made by Councilor Vinzant, seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

Town Supervisor's Monthly Report & Statement

A motion to accept the Town Supervisor's Monthly Report & Statement as presented was made by Councilor Vinzant, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

Adjournment

On a motion by Councilor Vinzant, seconded by Councilor Green the meeting adjourned at 10:10 p.m. subject to the Call of the Town Clerk. Carried unanimously.

Respectfully submitted by,

Next meeting to be held
December 14, 2006 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford