

**REGULAR TOWN BOARD MEETING  
& PUBLIC HEARING****April 8, 2004**

On Thursday, April 8, 2004 at 7:03 p.m., Town Supervisor Gordon Ireland opened the public hearing. The purpose of the hearing is to open any and all bids received for the mowing of the cemeteries and two lots in the Town of Spafford. Notice of said hearing was duly publicized and posted on the outer bulletin board. Councilors Billy Vinzant, Jeffrey Ireland, and Joyce Barnett were present. Highway Superintendent Carl Wiers, Accountant Thomas Chartrand, and Town Clerk Lisa Valletta were also present. There were approximately 30 residents and a New York State Trooper present.

Town Clerk Lisa Valletta opened the bids at Supervisor Ireland's request.

Landscape Systems (Julian Corsello)	\$4,200.00
Mowing will commence as soon as necessary and end in early fall when grass ceases to grow. Mow & trim as needed, & install bark in beds of park. Certificate of Insurance received with bid.	
S&P Contracting (Jesse Spaulding)	\$4,950.00
mowing Certificate of Insurance to be provided if awarded bid.	
Richard Brown	\$4,898.98
For season of 2004 beginning March 12. Mow, weed-eat, & clean Certificate of Insurance not included.	
Duckett's Lawn Care & Landscaping Service (John Duckett)	\$5,175.00
From late April through mid- October, mow every 2 weeks, or as necessary. Remove all debris/trash, prior to mowing, trim, blow off all walkways, driveways, headstones, memorials, and other surfaces where grass clippings should not be present. Clean ups for Memorial Day & Fourth of July. Certificate of Insurance received with bid.	

Following a short discussion, Supervisor Ireland suggested accepting the lowest bid, which was submitted by Landscape Systems. A motion to accept the bid submitted by Landscape Systems was made by Councilor Vinzant and seconded by Councilor J. Ireland. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

**Bills**

The following bills were presented for approval, (Machinery and Snow bills are included in the Highway bills):

<b>FUND</b>	<b>VOUCHER #'S</b>	<b>TOTAL</b>	<b>MOTION</b>	<b>SECOND</b>
<b><u>CARRIED</u></b>				

General	112-115 & 118-136	\$ 4,900.06	J. Ireland	Vinzant	aye
Highway	65-88	\$ 12,083.97	Vinzant J.	Ireland	aye

The following bills have not yet been received: Appleton Disposal (service at the Transfer Station); Coffee Host (supply water & coffee for Highway Dept. & Town Hall, & cooler rentals); Excellus Insurance (May 2004 coverage for health insurance for the Highway Superintendent and Highway employees).

A motion to pay the Appleton Disposal bill upon receipt was made by Councilor J. Ireland and seconded by Councilor Vinzant. The motion PASSED - AYES - 4, NAYS - 0. Voting aye – G. Ireland, Vinzant, J. Ireland, and Barnett.

A motion to pay the Excellus Insurance bill upon receipt was made by Councilor Vinzant and seconded by Councilor J. Ireland. The motion PASSED - AYES - 4, NAYS - 0. Voting aye – G. Ireland, Vinzant, J. Ireland, and Barnett.

A motion to pay the Coffee Host bill upon receipt was made by Councilor J. Ireland and seconded by Councilor Vinzant. The motion PASSED - AYES - 4, NAYS - 0. Voting aye – G. Ireland, Vinzant, J. Ireland, and Barnett.

## **Miscellaneous**

### *Housing Preservation Grants*

Supervisor Ireland stated he received a notice from Community Development Division regarding the availability of grants for housing preservation. Said notice to be posted on the bulletin board.

### *Brush*

Brush has accumulated at the Borodino Cemetery and along Willow Hill Road. Supervisor Ireland requested Highway Superintendent Carl Wiers have the brush cleared by his employees.

### *Memorial Day Observance*

A ceremony is being planned for Memorial Day week end at the site of the Veterans' Memorial. There will be some expenses involved; including a wreath, and possible mailings. Supervisor Ireland requests \$150.00 from the Contingency Fund be made available to cover these expenses. A motion to allow \$150.00 from the Contingency Fund be used for expenses involved in the Memorial Day ceremony was made by Councilor Barnett and seconded by Councilor Vinzant. . The motion PASSED - AYES - 4, NAYS - 0. Voting aye – G. Ireland, Vinzant, J. Ireland, and Barnett.

### *NYS Codes Division Draft Report*

Supervisor Ireland stated he had requested an extension from Mr. Richard Thomson of NYS Codes Division. The extension was granted and any comments or responses from the Town Board or Building Inspector Doug Staley are to be in Mr. Thomson's office by May 7, 2004. Mrs. Valletta requested responses be submitted to her no later than May 1<sup>st</sup> to allow time for mailing to Mr. Thomson. Councilor Barnett requested clarification of the next step in the process of the audit. Supervisor Ireland stated responses and comments are to be sent to Mr. Thomson.

There was a discussion of whether the responses should be written individually or as a body.

Councilor Barnett would like to discuss the draft with the other members of the Town Board. Supervisor Ireland does not see a need for discussion, but will leave the decision to the Board. Councilor Vinzant stated he would be willing to meet for a discussion. Councilor Barnett suggested meeting Tuesday, April 13<sup>th</sup> at 7 p.m. It will be a Town Board session with no comments from the public. Mr. Staley will be contacted and asked to attend.

### **Town Supervisor's March 2004 Report & Statement**

Mr. Chartrand presented and reviewed the Town Supervisor's Report & Statement for March 2004. A motion to accept the March 2004 Report & Statement was made by Councilor Vinzant and seconded by Councilor J. Ireland. The motion PASSED - AYES - 4, NAYS - 0. Voting aye – G. Ireland, Vinzant, J. Ireland, and Barnett.

### **NYS Deferred Compensation Plan**

Mr. Chartrand explained a new retirement plan is being made available to New York government employees. It is similar to a 401k plan but the Town does not contribute matching funds. A resolution is required to join. There is no cost to the Town for participation in the plan, and the Town can join even if no employees elect to join the plan. The Town can have membership in place for future interest. Mr. Chartrand supplied copies of the plan for the Highway employees review. This plan is in addition to the State Retirement plan and is managed by the employee. Mr. Chartrand will bring a sample resolution and additional information to the May meeting. He asks that the Highway employees review the plan before the May meeting and decide if they wish to participate.

### **Minutes of the March 11, 2004 Town Board Meeting**

Supervisor Ireland explained that State Law says no abstentions are to be allowed on a vote. There was a discussion of how to deal with the abstention made by Councilor Barnett at the March 11 meeting and why it was made. Supervisor Ireland stated the abstention would be allowed to stand, but all Board members should understand that none will be allowed in the future.

Councilor J. Ireland requested a comment made by Peter Payntar, 1940 East Lake Road, be included in the minutes. Councilor J. Ireland stated the comment was that Mr. Payntar would “go out and beat up Mr. Yuhas”. Councilor Vinzant stated he recalled the statement being made. Councilor Barnett stated she does not recall the statement.

Councilor J. Ireland made a motion to include the statement in the minutes. Supervisor Ireland pointed out that a video camera is being run at the meetings by a resident and requested the Town Board be supplied with copies of the recordings. Councilor Barnett stated that any citizen is allowed to record the proceedings.

There was a discussion of the presence of a New York State Trooper at this meeting. His presence was not requested by the Town Board.

Councilor Vinzant seconded Councilor J. Ireland's motion to include Mr. Payntar's statement in the minutes. The motion PASSED - AYES – 3, NAYS - 1. Voting aye – G. Ireland, Vinzant, and J. Ireland. Voting nay – Barnett. Councilor Barnett commented the Town Board should view the video to assure accuracy. Councilor J. Ireland voiced his concern with possible editing of the tape.

Mrs. Valletta explained that even with a recording of Town Board meetings, verbatim minutes will not be prepared.

A motion was made to view the video to document the actual comment was made by Councilor Barnett. There was no second. The motion failed.

Mary Pirnie, 1572 Tracy Drive, stated the comment “. . . fire and health hazards are not addressed in the proposal.” is incorrect. Much work was done on the draft and fire and health issues were addressed via NYS Fire & Building Code. There was a discussion of the reason for the draft being prepared.

A motion to accept the minutes of the March 11, 2004 meeting was made by Councilor J. Ireland and seconded by Councilor Vinzant. The motion PASSED - AYES - 4, NAYS - 0. Voting aye – G. Ireland, Vinzant, J. Ireland, and Barnett.

### **Town Clerk's March 2004 Report**

Town Clerk Lisa Valletta presented her report of fees taken in during the month of March 2004. A total of \$1,228.78 was realized for the Town. A motion to accept the Town Clerk's report as presented was made by Councilor J. Ireland and seconded by Councilor Vinzant. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

### **Town Clerk Items for Discussion**

#### *Code of Ethics*

Mrs. Valletta asked if Councilor Barnett had reviewed the Code of Ethics and signed the statement agreeing to abide by the Code. Councilor Barnett stated she was uncomfortable with Councilor J. Ireland serving as chair of the Ethics Committee. There was a discussion of the structure of the Ethics Committee. A motion was made by Councilor Barnett to reassign the chair of the Ethics Committee. Councilor J. Ireland stated he was not looking to step down from the position. There was no second. The motion failed.

#### *Court Clerk Resignation*

A letter of resignation has been received from Court Clerk Liz Hood. A motion to accept said letter of resignation was made by Councilor Vinzant and seconded by Councilor Barnett. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

#### *Town Justice Appointment*

The effective date of Justice Yuhas' retirement has passed. The Town Board is now able to appoint a new Town Justice. A motion to appoint Jerome Schinaman as Town Justice for the Town of Spafford, term beginning May 1, 2004 and ending December 31, 2004 was made by Town Supervisor Ireland and seconded by Councilor Vinzant. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

#### *Court Clerk Appointment*

Mr. Schinaman indicated that his wife, Carolyn, is willing to serve as Court Clerk. A motion to appoint Carolyn Schinaman as Court Clerk for the Town of Spafford was made by Supervisor Ireland and seconded by Councilor Vinzant. . The motion PASSED - AYES - 4, NAYS - 0.

Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

### *Town Justice Grant*

A motion to authorize Town Supervisor Ireland to sign a Town Justice Grant request, should Mr. Schinaman decide to submit one, was made by Councilor Vinzant and seconded by Councilor Barnett. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

### *NYMIR*

Mrs. Valletta stated she met with Mr. Brett Carruthers, a representative from New York Municipal Insurance Reciprocal, (NYMIR). Notes and suggestions by Mr. Carruthers from that meeting were prepared and provided to the Town Board. The suggestions included an update to the Sexual Harassment Policy and establishment of policy for Internet use and E-mail use.

### *Grievance Day*

Grievance Day will be held on Wednesday, May 26, 2004 at the Spafford Town Hall. There will be two sessions: 1-4 p.m. and 6-9 p.m.

### *State Archives*

The records maintenance funding programs run by Local Government Records Management Improvement Fund, (LGRMIF) and the Cultural Education Fund, (CEF) were established with an ending date which has twice been extended. The most recent extension established a sunset date of December 31, 2005. The New York State Archives has sent a request that local governments and historical societies pass a resolution in favor of eliminating the sunset provision of the LGRMIF and CEF. There was a brief discussion of the funding and its role in local government.

## **RESOLUTION # 7-2004**

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

WHEREAS, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

WHEREAS, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005, and

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to taxpayers, and

WHEREAS, the Town of Spafford has benefited from technical assistance, training, publications and 3 grants totaling nearly \$15,000.00, supported by the LGRMIF, and

WHEREAS, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Spafford, and to the cultural and scientific needs of the people of New York State,

NOW THEREFORE, on a motion made by Councilor Joyce Barnett and seconded by Councilor Billy Vinzant,

BE IT RESOLVED, that the Town Board of the Town of Spafford does hereby support the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

Gordon Ireland	aye	Billy Vinzant	aye
Jeffrey Ireland	aye	Joyce Barnett	aye

I, Lisa M. Valletta, Clerk of the Town of Spafford, County of Onondaga, State of New York, do hereby certify that the foregoing was duly adopted by the Town Board of the Town of Spafford, County of Onondaga, State of New York, at their regular monthly meeting held on the 8th day of April, 2004, a quorum being present.

In witness whereof, I have hereunto set my hand and affixed the seal of my office.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lisa M. Valletta, Town Clerk of the Town of Spafford

**Community Meeting Room**

Supervisor Ireland commented on the occurrence of doors being propped open for added ventilation in the Meeting Room. He requested the Town Board authorize the installation of ceiling fans in the room. Councilor Vinzant commented on the loudness of the heaters in the office space of the Town Hall. When the heaters are on, it is difficult to hear what is being said at the Town meetings. He asked if direct switches could be placed on the heaters to permit direct control. A motion to allow up to \$1,000.00 be spent on the purchase and installation of ceiling fans in the Meeting Room was made by Councilor Vinzant and seconded by Councilor J. Ireland. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

**Highway Superintendent's Report**

*Tim Buhl, P.E.*

Highway Superintendent Carl Wiers contacted Mr. Tim Buhl, P.E., regarding the work scheduled for Becker Road and Spafford Landing Road. Mr. Buhl is willing to do the engineering work once the Town Board approves the projects. To procure reimbursement through Onondaga County Soil & Water Authority, (OCSWA), Mr. Buhl needs to be contracted for the engineering work. Mr. Wiers explained the projected cost for Mr. Buhl's design work on Becker Road is \$1,950.00; and the projected cost for his design work on Spafford Landing Road is \$950.00. A motion to authorize the work on Becker Road and Spafford Landing Road as outlined in the March 11, 2004 Town Board minutes was made by Supervisor Ireland and seconded by Councilor Vinzant. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

***Suit-Kote***

Mr. Wiers received a proposal from Suit-Kote for work on Moon Hill Road, Church Road, and Masters Road. The work is to improve and repair the surface of the aforementioned roads. The total cost of the projects is \$95,431.00. There was a discussion of the funds available for 2004 roadwork, which would include MultiModal funding and C.H.I.P.S. funding. The discussion also included upcoming road projects. Mr. Wiers explained he has three major projects scheduled for 2004: the previously discussed projects for Becker Road and Spafford Landing Road and the intent to lay gravel on Willow Hill Road to prepare for paving in 2005. The discussion of available funding continued. A motion authorizing Mr. Wiers to proceed with the work by Suit-Kote on Moon Hill Road, Church Road, and Masters Road was made by Councilor Vinzant and seconded by Councilor J. Ireland. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

***NYMIR***

Mr. Carruthers also inspected the Highway Garage and will send a letter detailing his findings. Mr. Carruthers informed Mr. Wiers that the road signs in the Town should be checked for condition. Mr. Wiers determined that forty-five of them need to be replaced.

***Highway Pick Up Truck***

Mr. Wiers informed the Town Board that his research resulted in the selection of the Ford F550 with dump box to replace the current pick up truck. The Ford F550 is \$42,117.00 on State Bid. The sander that is on the current truck will fit the new one. There was a discussion of the

truck and available funding for the purchase. A motion authorizing the purchase of the Ford F550 on State Bid for \$42,117.00 was made by Councilor J. Ireland and seconded by Councilor Vinzant. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

### *20 ton Air Jack*

Mr. Wiers explained the 20 ton air jack was purchased in 1988 for \$785.00. It no longer works. The cost of repair is \$450.00 and carries a one year guarantee. The cost to purchase a new jack is \$850.00. There was a discussion of repair versus purchasing new. It was decided to opt for repair of the current air jack.

### *High Pressure Washer*

The high pressure washer that was purchased in April 1989 and is not working. The cost of repair is \$900. The cost of a new high pressure washer is \$1950.00. There was a discussion of repair versus purchasing new. It was decided a new high pressure washer would be purchased.

### *Septic System*

The septic system at the Town Hall has been repaired. The tank was pumped out twice and a new ejection pump had to be installed. The bill from Mathieson will be forthcoming. A motion to pay the bill upon receipt was made by Councilor Vinzant and seconded by Councilor J. Ireland. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett.

### *Water Line*

Mr. Wiers explained he had determined a solution to prevent the water line between the Highway Garage and the Town Hall from freezing. He could install a larger pipe around the existing water line, run electrical heat tape through the larger pipe in a manner to allow the tape to be unplugged during the warmer weather.

### *Borodino Landing*

Mr. Wiers will be replacing the culvert pipe and will do what work is needed by the Town at the site; but he respectfully requested to not be involved in the planning process for the proposed project. There was a discussion of the proposed project and the culvert pipe. An update on the project was given by Mr. Frank Moran: he would like to see the right-of-way limits established. There was a discussion of the road width issue. Mr. Moran mentioned three items he recommends: signs delineating the right-of-way; a barrier at the end of the road to restrict traffic and provide a measure of safety; and a volunteer group to maintain the cleanliness of the landing. There was a discussion of the proposal. It was noted that a survey would be necessary to ensure accuracy of the right-of-way. Mr. Moran, Mr. Jody Fisher, Mr. Peter Payntar, Mr. Martin Kelley, Mrs. Kim Read, Mr. Matthew O'Brien, Mr. David Miller, and Mr. Mark Harvey all spoke regarding the issue of the proposal.

A motion for the Town Board to pursue a survey of the site to determine where the Town boundaries are was made by Councilor Barnett. There was a discussion of where the starting point of the survey should be and where to begin the widening of the road. Mr. Moran offered to fund the survey with private donations. Councilor Barnett repeated her motion to have the Town Board fund the survey. A second to the motion was made by Councilor Vinzant with the stipulation that more research would be necessary after the survey is complete to determine if the

project should proceed. The motion PASSED - AYES -3, NAYS - 1. Voting aye - G. Ireland, Vinzant, and Barnett. Voting nay - J. Ireland. Input from the residents affected by the proposal is desired. Mr. Moran is to arrange for the survey and bring the cost to the Town Board.

Mr. Wiers excused himself from the Board table at 9:35 p.m.

### **Deputy Code Enforcement Officer**

Councilor Barnett resigned her position as Deputy Code Enforcement Officer.

### **Procedure at Town Board Meetings**

Councilor Barnett brought up for discussion that Town Law should be honored and proper procedures followed at the Town Board meetings. Councilor Barnett alleged that Supervisor Ireland has acted without Town Board authorization, particularly in regards to the memorandum of understanding with Spafford Area Historical Society, (SAHS). Councilor Barnett alleged the memorandum was not brought before the Town Board for discussion. Supervisor Ireland stated the memorandum is in the formation stage, it is not a legal document until it has been signed by the Town Board and SAHS. There was a discussion of Councilor Barnett's various accusations and Supervisor Ireland's actions. Supervisor Ireland requested written proof of Councilor Barnett's accusations of the illegality of his actions. Councilor Barnett stated she believes the procedure followed by Supervisor Ireland is inappropriate. Supervisor Ireland stated he believes he has the right to act as he has. There was a discussion of proper procedure.

A motion to adjourn at 10 p.m. was made by Councilor J. Ireland.

### **Proposed Safe Building Law**

Mr. Mark Harvey, Rose Hill Road, spoke in response to the proposed safe building law. Mr. Harvey suggested establishing a "private property rights law". Mr. Richard Withey, III, East Lake Road seconded Mr. Harvey's proposal. Mr. William Burns, Route 41, spoke on the many topics discussed during the evening. Mrs. Betsy Eibert presented a letter to the Town Board expressing the displeasure of having individuals trespassing on their property. The property is well posted and there are large logs lying across the driveways to prevent vehicle access. Despite these precautions, Mr. Robert Eibert witnessed someone trespassing onto his property. He did contact the police and filed a report. There was a discussion of the proposed safe building law and the concerns of some residents on what the results of such a law would be.

### **Proposed Water District**

There was a discussion of the status of the proposed water district. If the proposal gains the necessary approvals from the many agencies and offices involved, it will be brought to the involved residents for a vote.

The discussion returned to the Borodino Landing proposal.

### **Adjournment**

At 10:20 p.m. Councilor Vinzant seconded the motion to adjourn the meeting. The motion PASSED - AYES - 4, NAYS - 0. Voting aye - G. Ireland, Vinzant, J. Ireland, and Barnett. Meeting adjourned.

Respectfully submitted by,

Next meeting to be held  
May 13, 2004 @ 7:30 p.m.  
@ Spafford Town Hall

Lisa M. Valletta  
Town Clerk  
Town of Spafford

*The Town Board of Spafford voted on acceptance of these minutes on May 13, 2004. The vote was as follows:*

*Supervisor Ireland – aye, Councilor Ireland – aye, Councilor Chappell – abstained, Councilor Barnett – nay. Councilor Chappell abstained as he was not present at the April meeting. Councilor Barnett voted against acceptance due to the omission of two statements.*