

TOWN BOARD MEETING

March 13, 2014

The Town Board of the Town of Spafford assembled at the Spafford Town Hall, 1984 Route 174, Skaneateles, New York with Supervisor Mary Bean presiding and the following Board members present: Councilor Chris Fesko, Councilor Lou Hanlon, and Councilor Dave Venezia. Absent: Councilor Jeff Ireland.

The following Town Officers were present: Town Clerk Lisa Valletta and Accountant Thomas Chartrand. Absent: Highway Superintendent Carl Wiers and Code Enforcement Officer Howard Tanner. Supervisor Bean called the meeting to order at 7:10 p.m. The Pledge of Allegiance was recited.

MINUTES

A motion to accept the amended minutes of the February 13, 2014 Town Board meeting was made by Councilor Fesko, seconded by Councilor Venezia. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 24-2014

Audit of Claims

On a motion by Councilor Fesko, seconded by Councilor Hanlon the following resolution was PASSED AYES – 4 Bean, Fesko, Hanlon, Venezia NAYS – 0

Resolved approve payment of the bills General Fund and Highway Fund bills on Abstract #3, (audited abstract totals to be included in April 2014 minutes).

ABSTRACT #2 – FEBRUARY 13, 2014

Audited bills for Abstract #2 were as follows:

General Fund	vouchers 37 – 78	\$ 383,214.32
Highway Fund	vouchers 14 – 21	\$ 16,088.17

TOWN CLERK’S REPORT

Town Clerk’s Report and Statement of Receipts and Payments for February 2014 was read. A motion to accept the Report as presented was made by Councilor Fesko, seconded by Supervisor Bean. The motion PASSED. AYES – 4, NAYS – 0.

TOWN SUPERVISOR’S MONTHLY REPORT & STATEMENT

Town Supervisor’s Monthly Statement of Receipts and Payments for February 2014 was read by Accountant Thomas Chartrand and filed. The Town and the Southern Onondaga Area Water District have each received their full portion of tax payments.

RESOLUTION 25-2014

Budget Transfer

On a motion by Supervisor Bean, seconded by Councilor Fesko the following resolution was PASSED AYES – 4 Bean, Fesko, Hanlon, Venezia NAYS – 0

Resolved the following General Fund Budget Transfer is authorized:

FROM:	A599	Surplus, JCAP Grant	\$5,400.00
			<u>\$5,400.00</u>
TO:	A1110.1	Justices, Equipment	\$5,400.00
			<u>\$5,400.00</u>

RESOLUTION 26-2014

2013 Town Supervisor’s Records Audit

On a motion by Supervisor Bean, seconded by Councilor Hanlon the following resolution was
PASSED AYES – 4 Bean, Fesko, Hanlon, Venezia
 NAYS – 0

Resolved to find a positive audit of the 2013 Town Supervisor’s Records has been completed.

RESOLUTION 27-2014

Bank Reconciliation

On a motion by Councilor Fesko, seconded by Councilor Venezia the following resolution was
PASSED AYES – 4 Bean, Fesko, Hanlon, Venezia
 NAYS – 0

Resolved to find a positive audit of the February 2014 bank statement as presented by Mr. Chartrand.

PROPOSED LOCAL LAW 2014-1 (Office of Town Constable of the Town of Spafford)

Supervisor Bean contacted the local NYS Troopers office and the Onondaga County Sheriff’s office and learned the likely response time to an emergency call would be 20 minutes. Supervisor Bean reported both offices advised the Town consider having a local constable. Mr. Thomas Adessa is a constable for the Town of Skaneateles and was hired for the Spafford Town Board meeting in January 2014. Mr. Adessa’s fee is \$18.00 per hour.

Councilor Venezia requested a paragraph be added to set a proper procedure for determining when the constable would be needed outside of court sessions. The Town Board discussed the phrasing of the proposed law.

PUBLIC HEARING: PROPOSED LOCAL LAW 2014-1 (Office of Town Constable of the Town of Spafford)

Notice of this Public Hearing was duly published in the Town of Spafford official newspaper, (proof of publication has been received), as well as on the public bulletin board and the Town of Spafford website.

A motion to open the Public Hearing at 7:40 p.m. for discussion of Proposed Local Law 2014-1, Office of Town Constable of the Town of Spafford was made by Councilor Fesko, seconded by Councilor Hanlon. The motion PASSED. AYES – 4, NAYS – 0.

There were comments in support of the proposed local law. There was a suggestion made to separate the procedure sought by Councilor Venezia from the local law to allow immediate adoption of the law. There were comments supporting the suggestion of a separated procedure. The Board was reminded the wording of the law cannot be majorly changed without a second public hearing.

There were no further questions or comments. A motion to close the Public Hearing at 8 p.m. was made by Councilor Fesko, seconded by Councilor Hanlon. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 28-2014

Local Law 2014-1: Office Of Town Constable Of The Town Of Spafford

On a motion by Supervisor Bean, seconded by Councilor Fesko the following resolution was
PASSED AYES – 3 Bean, Fesko, Hanlon

Resolved the following Town of Spafford Local Law 1 of the Year 2014 is hereby adopted

Town of Spafford Local Law 1 of the Year 2014

Section 1. TITLE

“Office of Town Constable of the Town of Spafford, NY.”

Section 2. PURPOSE

The purpose of this local law is to establish the Town of Spafford as a constabulary and to create the office of Town Constable as authorized by §2.10 of the Criminal Procedure Law of the State of New York and §20, Subdivision 1 of the Town Law of the State of New York, to perform such duties at the direction of the Supervisor, Town Board and/or Town Justice for the Justice Court of the Town of Spafford as allowed by the laws of the State of New York.

Section 3. PERSONS DESIGNATED AS PEACE OFFICERS

Notwithstanding the provisions of any general, special or local law or charter to the contrary, only the following persons shall have the power of and shall be peace officers and must be an elector of the Town of Spafford:

- A. The Town Constable shall be a constable, peace officer or police constable of a town, provided such designation is not inconsistent with local law and the office of the Town Constable shall be an appointed position.
- B. Upon appointment of a constable, or any peace officer, the Town must provide name, date of birth, rank or title, official station and whether he or she is employed full-time or part-time to the New York State Division of Criminal Justice Services, Albany, New York, pursuant to Executive Law §845 on a semiannual basis (January and July).

Section 4. POWERS AND DUTIES

- A. The powers and duties of a town constable/peace officer are derived from two sources: Town Law, §39, and Criminal Procedure Law, §2.20 of the State of New York.
- B. Town Constables shall have the following powers:
 - 1. Make warrantless arrest pursuant to §140.25 of the Criminal Procedure Law;
 - 2. Use physical force and deadly physical force in making an arrest or preventing an escape pursuant to §35.30 of the Penal Law of the State of New York;
 - 3. Carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties;
 - 4. Issue appearance tickets pursuant to Subdivision 3 of §150.20 of the Criminal Procedure Law of the State of New York, when acting pursuant to their special duties;
 - 5. Issue uniform appearance tickets pursuant to Article 27 of the Parks, Recreation and Historic Preservation Law and to issue simplified traffic informations pursuant to §100.25 of the Criminal Procedure law and §207 of the Vehicle and Traffic Law whenever acting pursuant to their special duties;
 - 6. Issue a uniform navigation summons and/or complaint pursuant to §19 of the Navigation Law whenever acting pursuant to their special duties;
 - 7. Issue uniform appearance tickets pursuant to Article 71 of the Environmental Conservation Law whenever acting pursuant to their special duties;
 - 8. Possess and take custody of firearms not owned by the peace officer, for the purpose of disposing of guarding, or any other lawful purpose, consistent with his or her duties as a peace officer;
 - 9. Exercise any other power which a particular peace officer is otherwise authorized to exercise by any general, special or local law or charter, rule, regulations judgment or order whenever acting pursuant to his or her special duties, provided such power is not inconsistent with the provisions of the Penal Law, or this law;
 - 10. At the direction of the Supervisor, appear in Town Justice Court to keep order. This will include monitoring the weapons screening program and security of the courts;
 - 11. Make collections pursuant to executions and garnishee executions issued upon judgments rendered in Justice Court;
 - 12. Serve civil, legal and criminal papers, including subpoenas or orders on behalf of the Town Supervisor, Town Board and Town Justices;
 - 13. At the direction of the Town Supervisor or Town Board maintain order at Town Board meetings and additional Town functions as needed; and
 - 14. Perform or assist with required security functions at Town Hall, including alarm response and building security and perform other duties as directed by the Town Supervisor, Town Board and/or Town Justice as allowable by law.
- C. For the purposes of this section a peace officer (Town Constable) acts pursuant to the specialized nature of his/her special duties when performing the duties of his/her office/ pursuant to the specialized nature of his/her

employment, whereby he/she is required or authorized to enforce any general, special or local law or charter, rule, regulation, judgment or order.

- D. Town Constables/peace officers may not execute search warrants or warrants of arrest; and
- E. Town Constables/peace officers, pursuant to Criminal Procedure Law §2.20, with the exception of certain arrests, and the prevention of escapes, may exercise such Town Constable’s/peace officer’s powers only while engaged in the duties set forth in this law.

Section 5. **QUALIFICATIONS**

The minimum qualification for the position of a Town Constable/peace officer shall be a high school diploma and a minimum of three years’ full- or part-time police or peace officer experience. He/she shall have a valid New York State driver’s license and pistol permit and a DCJS certified basic New York State Police Officer or Peace Officer course.

Section 6. **TRAINING**

Town Constables/peace officers must be trained in accordance with §2.30 of the Criminal Procedure Law of the State of New York.

Section 7. **SEVERABILITY**

If any paragraph, section, sentence or portion of a sentence of this law shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

Section 8. **WHEN EFFECTIVE**

This law shall take effect upon filing in the Office of the Secretary of State.

Code Enforcement Officer Howard Tanner arrived at 8:05 p.m.

COMMUNITY DEVELOPMENT GRANT APPLICATION

Supervisor Bean reminded everyone the 2005 restoration work at the Borodino Grange Hall (Borodino Hall) was partially funded with a Community Development Grant. The owner of the Borodino Hall, Spafford Area Historical Society (SAHS), has accumulated some funds towards the purchase and installation of a new lift-style elevator. There are funds available for this type of project through Onondaga County Community Development.

PUBLIC HEARING: COMMUNITY DEVELOPMENT GRANT APPLICATION

Notice of this Public Hearing was duly published in the Town of Spafford official newspaper, (proof of publication has been received), as well as on the public bulletin board and the Town of Spafford website.

A motion to open the Public Hearing for discussion of the Community Development Grant application was made at 8:05 p.m. by Supervisor Bean, seconded by Councilor Fesko. The motion PASSED. AYES – 4, NAYS – 0.

David Larrison, SAHS president, explained the Borodino Hall is currently not handicap accessible. There are many community activities at the Borodino Hall and handicap access is a major goal and he is in support of the application.

Supervisor Bean requested and received two estimates for installation of the lift-style elevator; the lower estimate is just less than \$20,000.

The discussion continued with the following points: the required matching percentage of funds for the Community Development Grant application will come from SAHS, not the Town of Spafford; the Town of Spafford is needed as a pass-through agent for SAHS to receive a Community Development grant;

space does not allow for a stair-lift; grants for this work are not available through any non-profit connections.

There were no further comments or questions. A motion to close the Public Hearing at 8:15 p.m. was made by Councilor Fesko, seconded by Councilor Hanlon. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 29-2014

Community Development Grant Application

On a motion by Councilor Fesko, seconded by Councilor Hanlon the following resolution was PASSED
AYES – 4 Bean, Fesko, Hanlon, Venezia
NAYS – 0

Resolved the Town Board of the Town of Spafford approves the application to Onondaga County Community Development for funds to purchase and install a lift-style elevator for the Spafford Area Historical Society’s Borodino Grange Hall.

CODE ENFORCEMENT OFFICER’S REPORT

Code Enforcement Officer’s February 2014 Activity Report was read.

- The following documents were issued:
 - Six Building Permits
 - One Certificate of Occupancy
 - One Certificate of Compliance
 - Four Orders to Remedy
- The first two Orders to Remedy are on hold awaiting advice from the Town Attorney; current zoning does not address the issue of renting private homes.
- Activity Summary:
 - The quotes are in for welding work and electrical work at the Highway Garage.
 - 66 Spafford Landing Road has been posted condemned with notice of tonight’s Public Hearing as per the Town Attorney’s request.
 - The Leubners on Route 174 had a chimney fire this month. The chimney has been relined. The boiler and the chimney insert have been replaced.
 - Several projects are headed to either the Zoning Board of Appeals or the Planning Board.
 - There is a property owner interested in establishing a new winery in the Town.
- Additional item:
 - New York State has a program available for residents needing handicap access at their homes.
 - There are also funds available for home repairs for low-income families.

ZONING BOARD OF APPEALS (ZBA) REPORT

Chairperson Kathy Adams stated there was no activity to report – a boathouse appeal was withdrawn. The ZBA is researching information on seasonal rentals.

Supervisor Bean commented the Town Supervisors in the Skaneateles Lake Watershed will be meeting to discuss boathouses and invasive water species.

HIGHWAY ADVISORY COMMITTEE REPORT

Mrs. Kathy Adams reported the Committee has toured the Highway buildings and reviewed the PESH report from 2009 as well as the Code Enforcement Officer’s inspection reports. The committee is compiling the information and will meet with Highway Superintendent Carl Wiers to determine points of needed attention.

COMMITTEES

The Ethics Committee has no activity yet. Supervisor Bean presented the following member roster the Public Properties/Parks & Recreation Committee: Councilor Jeff Ireland as Chair with members Frank Moran, Merrill Clark, Joe Vecchio, Pat Strodel, Brad Wirth, and Ann Furze.

A motion to accept the Public Properties/Parks & Recreation Committee roster was made by Supervisor Bean, seconded by Councilor Venezia. The motion PASSED. AYES – 4, NAYS – 0.

TOWN HISTORIAN

The post of Town Historian is required by New York State Law. Supervisor Bean stated the law allows for the appointment of SAHS to serve as Town Historian. SAHS has selected Mr. Charles Woeller as the contact liaison for Town Historian business.

A motion to appoint SAHS as Town Historian was made by Councilor Fesko, seconded by Councilor Hanlon. The motion PASSED. AYES – 4, NAYS – 0.

Town Attorney Scott Chatfield arrived at 8:35 p.m.

RESOLUTION 30-2014

Earth Day

On a motion by Councilor Venezia, seconded by Councilor Hanlon the following resolution was PASSED
AYES – 4 Bean, Fesko, Hanlon, Venezia
NAYS – 0

Resolved the Town Board authorizes use of Spafford Highway equipment to transport trash collected in recognition of Earth Day to the OCRRA facility on Rock Cut Road in Syracuse.

MOWING BIDS

Advertisement for bids for the 2014 Mowing Contract of Town of Spafford properties was published in the official Town newspaper and *The Cortland Standard*; notice was also posted on the Town’s website. Bids were to include evidence of liability insurance. Two bids were received:

R&L Mowing	\$4,200.00 (insurance certificate included)
Duckett’s Lawn Care & Landscaping Service.....	\$9,850.00 (insurance certificate included)

RESOLUTION 31-2014

2014 Town of Spafford Mowing Contract

On a motion by Councilor Hanlon, seconded by Councilor Venezia the following resolution was PASSED
AYES – 4 Bean, Fesko, Hanlon, Venezia
NAYS – 0

Resolved to accept the bid of \$4,200.00 from R&L Mowing for the 2014 Town of Spafford Mowing Contract. Councilor Hanlon will be the Town Board contact for the contract.

PUBLIC HEARING: 66 SPAFFORD LANDING ROAD ORDER OF DEMOLITION

Notice of this Public Hearing was duly published in the Town of Spafford official newspaper, (proof of publication has been received), as well as on the public bulletin board and the Town of Spafford website.

A motion to open the Public Hearing for discussion of the Order to Demolish the structure at 66 Spafford Landing Road was made at 8:45 p.m. by Supervisor Bean, seconded by Councilor Venezia. The motion PASSED. AYES – 4, NAYS – 0.

Town Attorney Scott Chatfield asked if the owner of record for 66 Spafford Landing Road was present. The owner did not appear for the Public Hearing. Notice of this Public Hearing and the Town of Spafford’s Order to Demolish were both posted on the building at 66 Spafford Landing Road.

Councilor Fesko inquired about the bid process for demolition should the owner fail to demolish the building within the allotted time. Mr. Chatfield recommended a wait of forty-five days into the allotted sixty days would be appropriate before beginning the bid process for demolition.

There were no further questions or comments. A motion to close the Public Hearing at 8:50 p.m. was made by Supervisor Bean, seconded by Councilor Hanlon. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 32-2014

Order of Demolition: 66 Spafford Landing Road

On a motion by Supervisor Bean, seconded by Councilor Fesko the following resolution was PASSED AYES – 4 Bean, Fesko, Hanlon, Venezia NAYS – 0

Resolved to reaffirm the Order of Demolition of the building at 66 Spafford Landing Road as approved at the February 27, 2014 meeting of the Spafford Town Board.

WELDING ESTIMATES

Two estimates for welding repairs to the steel I-beams on the Highway Garage were obtained:

Leo’s Body Shop.....	\$495.00
Bushey & Sons Welding Service.....	\$880.00

RESOLUTION 33-2014

Welding Contract

On a motion by Supervisor Bean, seconded by Councilor Venezia the following resolution was PASSED AYES – 4 Bean, Fesko, Hanlon, Venezia NAYS – 0

Resolved to accept the bid of \$495.00 from Leo’s Body Shop for the welding repairs to the I-beams in the Highway Garage.

HIGHWAY GARAGE ELECTRICAL REPAIRS

The consideration of estimates obtained for the electrical repair contract was tabled until the April 10, 2014 Town Board meeting.

ADJOURNMENT

A motion to adjourn the meeting at 9:00 p.m. was made by Supervisor Bean, seconded by Councilor Fesko. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
Thursday, April 10, 2014 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford