

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 Jeff Ireland, Councilor Lou Hanlon, and Councilor Dave Venezia.

The following Town Officers were present: Town Clerk Lisa Valletta, Highway Superintendent Carl Wiers, and Accountant Thomas Chartrand. Supervisor Bean called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

MINUTES

A motion to accept the minutes of the April 10, 2014 Town Board meetings was made by Councilor Ireland, seconded by Councilor Hanlon. The motion PASSED. AYES – 5, NAYS – 0.

HIGHWAY SUPERINTENDENT’S REPORT

- The beams have been repaired. A new apron and base are being poured to direct any water flow away from the beams.
- The Highway crew will grind the surface of Ripley Hill Road, returning it to a gravel road due to the poor condition of the road following this past winter.
- There is a 2009 Case mower/sweeper machine available at the municipal auction this coming weekend. Highway Superintendent Wiers would like authorization to bid on the machine with \$30,000.00 set as the maximum amount authorized.

There was a discussion of the benefits of purchase compared to those of renting. Supervisor Bean prefers to wait until the Highway Advisory Committee files its final report before planning any purchases. The benefits and difficulties of shared services regarding a mower or sweeper was also discussed. Authorization for the auction purchase was not granted.

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

TOWN SUPERVISOR’S MONTHLY REPORT & STATEMENT

Town Supervisor’s Monthly Statement of Receipts and Payments for March 2014 was read by Accountant Thomas Chartrand and filed.

Mr. Chartrand will prepare an overtime report for the June Town Board meeting. A motion to accept the Town Supervisor’s Monthly Statement as presented was made by Councilor Hanlon, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 45-2014

April 2014 Bank Reconciliations

On a motion by Councilor Fesko, seconded by Councilor Ireland the following resolution was PASSED
AYES – 5 Bean, Ireland, Fesko, Hanlon, Venezia
NAYS – 0

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

TAX COLLECTOR BANK ACCOUNT

Cynthia Cook has requested permission to retain the Tax Collector’s bank account at Key Bank instead of moving it to NBT bank. Key Bank has offered to waive the service fees if the account retains a \$2,500.00 balance during the tax collection period and there are at least 25 actions per month during that time. The account would be placed in suspension during the idle months.

Councilor Fesko made a motion to allow the Tax Collector to continue at Key Bank and a further motion to require monthly cash reconciliation statements from the Tax Collector, Town Justice, and Town Clerk. Councilor Venezia seconded the motion. The motion PASSED. AYES – 5, NAYS – 0.

Town Attorney Scott Chatfield arrived at 7:30 p.m.

EXECUTIVE SESSION

At 7:47 p.m. Supervisor Bean made a motion to enter into Executive Session to discuss current litigation with Mr. Chatfield and attorney James O’Connell. The motion was seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

At 7:55 p.m. Councilor Fesko made a motion to exit Executive Session. The motion was seconded by Councilor Hanlon. The motion PASSED. AYES – 5, NAYS – 0.

LINKS AT BARROW’S VIEW

The property known as the Links at Barrow’s View has been in court since 2008 and is under a tax certiorari review. Mr. Chatfield explained a settlement has been proposed. Should the Board accept it; the proposal will be presented to the Skaneateles School District; following their acceptance it goes to Onondaga County for approval then to the court for filing. Taxes paid on the higher value during the time covered by the proposal would be reimbursed to the owner from the Town’s contingency fund.

RESOLUTION 46-2014

LINKS AT BARROWS VIEW SETTLEMENT

WHEREAS, Links at Barrow’s View, LLC, commenced tax certiorari proceedings in July of 2009, 2010, 2011 and 2012, demanding in its petitions that the aggregate assessments on its seven tax parcels be reduced from \$2,424,000 to \$1,340,000; and

WHEREAS, Links at Barrow’s View, LLC, commenced a tax certiorari proceeding in July of 2013, demanding in its petition that the aggregate assessment on its seven tax parcels be reduced from \$2,196,100 to \$1,340,000; and

WHEREAS, Links at Barrow’s View, LLC, contemplates commencing a final tax certiorari proceeding in July of 2014, seeking a reduction of the \$1,470,000 corrected aggregate assessment for the 2013-14 tax year to \$1,350,000, but with no tax refunds required; and

WHEREAS, the demanded \$1,084,000 aggregate assessment reduction demanded by the Petitioner in the first four of its petitions put the Town of Spafford (the Town”) at risk of tax refunds for the Town taxes levied for 2010, 2011, 2012 and 2013 as follows:

<u>Tax Year</u>	<u>Demanded Ass’t Reduction</u>		<u>Tax Rate</u>	<u>Demanded Refund</u>
2010	\$1,084,000	x	.0035683	\$3,868.04
2011	\$1,084,000	x	.0034111	\$3,697.63
2012	\$1,084,000	x	.0033792	\$3,663.05
2013	\$1,084,000	x	.0032076	<u>\$3,477.04</u>
				\$14,705.75; and

WHEREAS, the demanded \$856,100 assessment reduction demanded by the Petitioner in its July 2013 petition put the Town at risk of tax refunds for the Town taxes levied for 2014 as follows:

2014	\$856,100	x	.0032775	\$2,805.87; and
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WHEREAS, the Town was then at risk of tax refunds aggregating to \$17,511.63; and

WHEREAS, extensive negotiations have taken place among the attorneys for the Petitioner, Skaneateles Central School District (the “School District”), and the Town; and

WHEREAS, a tentative settlement agreement has been reached by counsel for the parties and approved by the managers of Links at Barrow’s View, LLC, subject to approval by the Town Board of the Town and by the Board of Education of the District; and

WHEREAS, the proposed settlement agreement would require tax refunds of \$31,013.74 from the School District, \$18,714.96 from the County of Onondaga (the “County”); and \$9,427.43 from the Town; and

WHEREAS, the required tax refunds from the Town would be higher, except that the Petitioner has agreed to waive any and all tax refunds which otherwise would be payable by the Town for its 2014 taxes, the waived amount being \$2,378.45; and

WHEREAS, the tentative agreement includes a gradual reduction of the aggregate assessment as follows:

<u>Tax Year</u>	<u>Town Tax Year</u>	<u>Corrected Aggregate Assessment</u>
2009-10	2010	\$1,900,000
2010-11	2011	\$1,750,000
2011-12	2012	\$1,650,000
2012-13	2013	\$1,600,000
2013-14	2014	\$1,470,000
2014-15	2015	\$1,350,000;

NOW, THEREFORE, on a motion by Councilor Fesko, seconded by Councilor Hanlon, BE IT RESOLVED by the Town Board as follows:

Section 1. The Town Board hereby approves the proposal to settle the tax certiorari proceedings bearing Index Numbers 2009-5199, 2009-5200, 2010-4045, 2010-4057, 2011-4572, 2011-4573, 2012-2452 and 2013EF211 by correcting the aggregate assessments of Town of Spafford Tax Parcels 013.-02-01.1, 013.-02-01.2, 013.-02-16.0, 013.-02-38.1, 015.-01-01.1, 015.-01-02.6 and 015.-01-45.2 as follows:

<u>Tax Year</u>	<u>Aggregate Assessment</u>	<u>Corrected Aggregate Assessment</u>
2009-10	\$2,400,000	\$1,900,000
2010-11	\$2,400,000	\$1,750,000
2011-12	\$2,400,000	\$1,650,000
2012-13	\$2,400,000	\$1,600,000
2013-14	\$2,196,100	\$1,470,000

Section 2. The Town Board also hereby approves this proposal to settle the contemplated 2014 tax certiorari proceeding by correcting the assessments of the seven tax parcels as follows for the 2014-2015 tax year:

<u>Tax Parcel</u>	<u>2013-2014 Corrected Assessments</u>	<u>2014-2015 Corrected Assessments</u>
013.-02-01.1	\$ 30,389	\$ 27,908
013.-02-01.2	\$ 75,465	\$ 69,304
013.-02-16.0	\$ 288,238	\$ 264,708
013.-02-38.1	\$ 47,166	\$ 43,316
015.-01-01.1	\$ 91,711	\$ 84,224
015.-01-02.6	\$ 262,034	\$ 240,643
<u>015.-01-45.2</u>	<u>\$ 675,000</u>	<u>\$ 619,897</u>
	\$1,470,003	\$1,350,000

Section 3. The Supervisor and Comptroller are hereby authorized and directed to pay, upon the advice of counsel, tax refunds in the amount of \$9,427.43 within sixty (60) days of receiving a court order authorizing the assessment corrections and directing tax refunds.

Section 4. This approval is subject to similar approval by the Board of Education of the School District and will take effect upon such similar approval.

And BE IT FURTHER RESOLVED, Town Attorney Scott Chatfield is hereby authorized to sign the agreement on behalf of the Town of Spafford.

PASSED AYES – 3 Bean, Fesko, Hanlon
 NAYS – 2 Ireland, Venezia

CODE ENFORCEMENT OFFICER’S REPORT

Code Enforcement Officer’s Report for April 2014 was read.

→ The following documents were issued:

- Five Permits:
 - 2627 Nunnery Road – window
 - 1553 Red Tail Lane – shed
 - 2254 Rose Hill Road – renewal: addition
 - 2489 East Lake Road – fence
 - 3140 Becker Road – Operating Permit: ice cream truck
- Six Orders to Remedy:
 - 1345 West Valley Road – garbage on property
 - 350 Cold Brook Road – many unlicensed vehicles
 - 1261 West Valley Road – building without a permit
 - 656 Route 41 – collapsing barn, no permit for outside storage
 - 2744 Nunnery Road – vacant trailer, collapsing barn
 - 353 Cold Brook Road – many unlicensed vehicles on property

→ The Building/Codes Department has developed a procedure for those seeking “peddler’s permits” due to a recent request to operate an ice cream truck within the Town. Mr. Tanner has copies of the documents filed with the parent company. Mr. Chatfield noted the Town has no legal obligation to have a law or to require background checks.

→ The owner of 2744 Nunnery Road requested and has been granted an additional 30 days to resolve the issues.

→ A Town Board resolution is required to proceed on seeking demolition of the structure at 3505 Becker Road.

→ Mr. Tanner requested the Town website include a list of issued Building Permits.

RESOLUTION 47-2014

3505 Becker Road

On a motion by Supervisor Bean, seconded by Councilor Hanlon, the following resolution was

PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia
 NAYS – 0

Be it resolved the Town Board finds the structure at 3505 Becker Road to be a danger to the public based on information from the Code Enforcement Officer. Further resolved the Town Board orders said structure to be repaired or demolished.

RESOLUTION 48-2014

Schedule Public Hearing for Order to Demolish

On a motion by Councilor Ireland, seconded by Supervisor Bean, the following resolution was PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia NAYS – 0

Be it resolved the Town Board will conduct a Public Hearing on June 12, 2014 at 7:30 p.m. to affirm, modify, or repeal the order to repair or demolish the structure at 3505 Becker Road.

TOWN CLERK’S REPORT

Town Clerk’s Report and Statement of Receipts and Payments for April 2014 was read. A motion to accept the Report as presented was made by Councilor Hanlon, seconded by Councilor Venezia. The motion PASSED. AYES – 5, NAYS – 0.

SURPLUS EQUIPMENT

Town Clerk Valletta presented a list of broken and/or inoperable equipment in the Town Hall: one RCA 4-line telephone; one HP3150 printer; one refrigerator; three computer keyboards; one Southwestern Bell answering machine; two Dell Inspiron CPU’s; one Dell GX260 CPU; one Brother MFC fax machine; and one blue secretarial chair.

RESOLUTION 49-2014

Surplus Equipment

On a motion by Supervisor Bean, seconded by Councilor Ireland, the following resolution was PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia NAYS – 0

Resolved the Town Board finds the above listed equipment to be surplus equipment with no value. Be it further resolved said equipment is to be disposed of properly.

PLANNING BOARD REPORT

Mr. Chad Marsh, Planning Board Chair stated the Planning Board has been reviewing the Town’s Sub Division Regulations for necessary minor revisions. They have also been working with the Zoning Board of Appeals to develop a comprehensive plan for the Town.

Mr. Marsh requested the Town budget include separate lines for attorney fees and engineer fees associated with Planning Board activity.

ZONING BOARD OF APPEALS REPORT

The Zoning Board of Appeals does not meet until May 13, 2014.

HIGHWAY ADVISORY COMMITTEE REPORT

A final report will be prepared for the July 2014 Town Board meeting.

RESOLUTION 50-2014

Cemetery Rules and Regulations Amendment

Whereas the Town Board of the Town of Spafford in 2007 determined by resolution to charge an additional fee for winter burials; and

Whereas there was no specific definition of winter burials;

Now therefore, on a motion by Councilor Ireland, seconded by Councilor Fesko,

Be it resolved the Town Board has established the classification of a burial as a winter burial will be determined by the caretaker with consideration for weather and ground conditions.

PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia
 NAYS – 0

DOORS

The two emergency exit doors in the Highway Garage (“man-doors”) are in need or replacement/repair. The north door does not open; the south door has no emergency hardware. An estimate for repair/replacement has been requested but not yet received.

Town Justice Jacques requests a door for the kitchen area in the Meeting Room of the Town Hall. The space is occasionally used for brief consultations.

CHURCH ROAD BRIDGE

The bridge on Church Road is in poor condition and needs replacement. Onondaga County does not act on bridges less than 20 feet wide; the bridge is 18 feet 9 inches. Councilor Fesko suggested authorizing Highway Superintendent Wiers to post a weight limit for the bridge. Mr. Chatfield recommended the bridge be closed immediately. He further recommended the Board seek information from a licensed physical engineer to determine the status of the bridge and notify the Tully School District and emergency services of the closure.

RESOLUTION 51-2014

Close Church Road Bridge

On a motion by Councilor Venezia, seconded by Councilor Fesko the following resolution was
PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia
 NAYS – 0

Resolved the Town Board orders the immediate closure of the bridge on Church Road until further notice. Be it further resolved Highway Superintendent Wiers is to immediately post the bridge as closed and notice of closure is to be published in the Skaneateles Press (the Town’s official newspaper) and sent to the Tully School District and all emergency services.

RESOLUTION 52-2014

Notice of Bridge Closure

On a motion by Councilor Venezia, seconded by Councilor Fesko the following resolution was
PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia
 NAYS – 0

Resolved the Town Supervisor is instructed to send the notice of the bridge closure to Tully School District.

RESOLUTION 53-2014

Licensed Physical Engineer Services

On a motion by Councilor Venezia, seconded by Councilor Ireland the following resolution was
PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia
 NAYS – 0

Resolved the Town will contact County Executive Joanne Mahoney, County Legislature Chair Ryan McMahan II, and County Legislator for the 6th District Michael Plochocki to request inspection services by a licensed physical engineer on the Church Road bridge.

BID OPENING

Order to Demolish or Repair 66 Spafford Landing Road

Mr. Pierre Beaudry requested an opportunity to address the Board regarding the property. Mr. Chatfield offered the reminder that the Public Hearing on the property was duly published and held as advertised. Supervisor Bean directed the Town Clerk to open the received bids.

R.W. Card Excavating, Trucking, Inc.-----	\$\$8,300
R.J. Frost Company-----	\$11,900

RESOLUTION 54-2014

Award 66 Spafford Landing Road Demolition Bid

On a motion by Councilor Ireland, seconded by Councilor Hanlon the following resolution was PASSED

AYES – 5	Bean, Fesko, Ireland, Hanlon, Venezia
NAYS – 0	

Resolved to accept the R.W. Card Excavating, Trucking, Inc. bid of \$8,300 for the demolition and removal of the structure at 66 Spafford Landing Road. Further resolved Town Attorney Chatfield is authorized to administer the contract on behalf of the Town Board.

Ling Wang stated she has shown good cause and intent to repair the structure and requested the Town Board grant a 30-day extension on the Order. Mr. Chatfield advised the Board that they may, at their discretion, grant a single 30-day extension to repair or demolish the structure and all work must be completed within that 30 days. If the extension is granted, the Board can ask if the contractor is willing to hold the bid price for the 30 days. Mr. Chatfield further advised the Board to allow the property owner an opportunity to address the Board.

Supervisor Bean requested Mr. Tanner recite his activities regarding his efforts to force compliance. Mr. Tanner listed the following:

- Repair work on the structure began with no permit or filed plans
- Unstamped plans were delivered to Mr. Tanner on May 8, 2014 (today)
- A typed letter was received via email on May 5, 2014 and signed by Mr. Fisely, stating the process for obtaining a permit is underway
- In October 2013 the owner’s plan was to secure the structure

RESOLUTION 55-2014

Order of Demolition

On a motion by Supervisor Bean, seconded by Councilor Ireland the following resolution was PASSED

AYES – 5	Bean, Fesko, Ireland, Hanlon, Venezia
NAYS – 0	

Resolved to enforce the Order to Demolish the structure at 66 Spafford Landing Road.

SMOKING POLICY

Supervisor Bean informed the Board a Smoking Policy was adopted by the Town Board in 1990; but it has not been enforced. Supervisor Bean proposed to replace the 1990 policy with the following: “Smoking is prohibited in all Town buildings and within 50 feet of volatile substances or fuel storage containers which are maintained by the Town; additionally to prohibit smoking in Town-owned vehicles”.

RESOLUTION 58-2014

Advertise for Bids – Transfer Station Service Contract

On a motion by Councilor Fesko, seconded by Councilor Ireland the following resolution was PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia NAYS – 0

Resolved the Town Clerk is instructed to re-publish the request for sealed bids for service at the Transfer Station in the Skaneateles Press and on the Town’s website. Further resolved said bids are to be submitted by June 11, 2014 for opening at the June 12, 2014 Town Board meeting at 7:00 p.m.

EMERALD ASH BORER

Supervisor Bean stated informational sessions are being held in several municipalities regarding proper disposal of ash wood. Supervisor Bean added that municipalities are hiring students from the SUNY College of Environmental Science and Forestry (“ESF”) to pursue an audit of trees on town properties and in highway right-of-ways to determine the location and condition of ash trees. Councilor Ireland noted that National Grid is addressing the ash trees in the area of power lines and NYSEG is likely performing similarly in their coverage areas. Councilor Venezia recommended the Board educate themselves on the Emerald Ash Borer issue prior to making any decisions on action.

RESOLUTION 59-2014

Cemetery Burials

On a motion by Councilor Ireland, seconded by Councilor Fesko the following resolution was PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia NAYS – 0

Resolved to set the burial fee in Borodino Cemetery, Spafford Cemetery, and Cold Brook Cemetery as \$575. Further resolved to retain Lake Country Construction & Contour, LLC for opening and closing of grave sites.

EXECUTIVE SESSION

A motion to enter Executive Session at 10:05 p.m. to discuss discipline of a Town official was made by Councilor Ireland, seconded by Councilor Hanlon. Town Attorney Scott Chatfield and Highway Superintendent Carl Wiers were asked to attend the Executive Session. The motion PASSED. AYES – 5, NAYS – 0.

A motion to exit Executive Session at 11:40 p.m. was made by Councilor Fesko, seconded by Councilor Ireland. The motion PASSED. AYES – 5, NAYS – 0.

ABSTRACT #5

The Town Board will hold for further review:

Highway voucher payable to Brillo Excavating & Waste Disposal	\$ 3,000
Highway voucher payable to Sunnycrest, Inc.	\$10,000

RESOLUTION 60-2014

Audit of Claims

On a motion by Councilor Fesko, seconded by Councilor Venezia the following resolution was PASSED AYES – 5 Bean, Fesko, Ireland, Hanlon, Venezia NAYS – 0

Resolved approve payment of the bills General Fund and Highway Fund bills (without #46 & #47) on Abstract #5, (audited abstract totals to be included in June 2014 minutes).

ABSTRACT #4 – APRIL 10, 2014

Audited bills for Abstract #1 were as follows:

General Fund	vouchers 110 – 142	\$17,786.86
Highway Fund	vouchers 36 – 43	\$17,718.92

ADJOURNMENT

A motion to adjourn the meeting at 11:45 p.m. was made by Councilor Venezia, seconded by Supervisor Bean. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
Thursday, June 12, 2014 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford