

The Town Board of the Town of Spafford assembled at the Spafford Town Hall, 1984 Route 174, Skaneateles, New York.

PRESENT: Supervisor Christopher Kozub, Councilor Christine Fesko, Councilor Dave Venezia, Councilor Luke DeWitt, and Councilor Cherry Randall.

ALSO PRESENT: Highway Superintendent Eric Fordock, Town Clerk Lisa Valletta, Code Officer Howard Tanner, and Town Attorney James Gascon.

Supervisor Kozub called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited.

MINUTES

A motion to accept the minutes of the October 13, 2016 Town Board meetings as submitted was made by Councilor Fesko, seconded by Councilor DeWitt. The motion **PASSED: AYES- 5, NAYS- 0.**

RESOLUTION 108-2016

Abstract #10 – General & Highway Funds

On a motion by Councilor Venezia, seconded by Councilor DeWitt the following resolution was **PASSED.** AYES – 5 Kozub, Fesko, Venezia, DeWitt, Randall
NAYS – 0

General Fund Abstract #10 and Highway Fund Abstract #10 are approved. (Audited abstract totals will be reflected in the December 2016 Town Board meeting minutes.)

ABSTRACT #9 – MAY 12, 2016

Audited bills for Abstract #9 were as follows:

General Fund	vouchers 294 – 317	\$ 20,271.95
Highway Fund	vouchers 120 – 134	\$178,001.72

HIGHWAY REPORT

- Tires collected at the Transfer Station were disposed of through WeCare Waste & Recycling. There are no State or County contracts for disposal of tires.
- Supt Fordock contacted 6 vendors regarding removal and disposal of Freon/refrigerant. Two of the vendors referred him to one of the other vendors – Interstate Refrigerant. An advertisement for quotes was published in the Town’s official newspaper, and brought no results. Interstate Refrigerant quoted a fee of \$8.00 per unit with a minimum of 25 units. A Certificate of Insurance Liability was submitted with the quote. There are 40 units at the Transfer Station. Supt Fordock will engage Interstate Refrigerant for removal and disposal of Freon/refrigerant from the collected units.
- Supt Fordock requested tuition for computer course. Councilor Fesko offered to work with Supt Fordock to improve his computer skills.

TOWN CLERK’S REPORT

A motion to accept the Town Clerk’s Cash Report for October 2016 was made by Councilor Fesko, seconded by Councilor Randall. The motion **PASSED. AYES – 5, NAYS – 0.**

CODE OFFICER'S REPORT

Mr. Tanner's reported on the following activity for October/November 2016:

- Permits Issued
 - 1405 West Valley Road – demolition of residence
 - 2753 Widewater Lane – addition to residence
 - 2191 Sunset Cove – demolition of residence
 - 2238 Glen Cove Road – Area Variance (ZBA)
 - 2148 Singing Woods Road – furnace
 - 2254 Rose Hill Road – pole barn
 - 1261 West Valley Road – pole barn addition

- Order to Remedy
 - 1261 West Valley Road – building without a permit. *(as indicated above, a permit has been obtained)*

Neither the Planning Board nor the Zoning Board of Appeals met in October.

PUBLIC HEARING – PROPOSED LOCAL LAW C-2016 *A local law to amend the Zoning Code of the Town of Spafford for the purpose of regulating the short term rental of homes.*

The Public Hearing for proposed local law C-2016 held open from the October 13, 2016 Town Board meeting resumed at 7:10 p.m.

George Bachar commented as follows:

- ... *Thank you for holding this hearing open. I certainly appreciate all the hard work the Town Board has put into this. A few comments on proposed local law C-2016:*
- ... *Wording in Section 1 that indicating this is a new event in Spafford, these short term rentals. Spafford has had rentals of camps, cabins, and houses for decades. I don't know why this is not a part of the culture of the town.*
- ... *Additionally in Section 1 it reads "disruption to the peace, quiet and enjoyment of residential members of the community". It depends on what your neighbors want; some properties are closer together than others; quiet enjoyment is a term that could be interpreted by the neighbor and it's hard for me to understand how that would be applied. Especially when I've been accused of having rowdy renters. At this time, Supervisor Kozub requested Mr. Bachar contain his comments to the proposed local law and not include personal disputes.*
- ... *(Regarding) Temporary Rentals, I don't understand why it's 120 days.*
- ... *Item number three, designating you can have eight people in a two-bedroom but no more than ten in more than two bedrooms, I don't understand that logic.*
- ... *Number 5, why do you specify that weddings are not allowed. You can have a wedding with three people.*
- ... *Six, Exhibit A, I haven't seen Exhibit A*
- ... *Noise control, sunset clause, things of that nature, we police ourselves on that. Also there's some wording I've seen regarding locals versus out-of-towners. We have a road named after us in this town. I've been in this town every year for the past fifty years at least one time each year.*
- ... *I know people are upset about rentals; and I just want to understand why I'm feeling targeted. I'm being treated unfairly.*

Supervisor Kozub replied there has been explanation at prior meetings of the reasoning behind the proposal and in general when the Town pursues legislation it is not to target one individual or group, it is to deal with an issue on a town-wide basis. Prior to this proposal there was no avenue to deal with short term rental of property, which has been ongoing for a long time. This proposed legislation was created with the input of a specially formed committee seeking to strike a balance and allow for enforcement of a neighbor's reasonable expectations regarding the short term rental of a property.

Additional comments from John Ryan, Peter Swartz, Elaine Vassar and Mary Menapace included:

- Is there a fee?
 - *Yes, there is an annual \$100 fee. The application and permit will allow the Town to maintain a paper trail for any issues that may arise.*
- Is this following the guidance of other towns?
 - *No, it is different than the current issue in other towns. It is actually being held up as a model.*
- There may be potential issues with enforcement.
 - *Enforcement would be complaint driven.*
- The five year sunset provision is fair, if an owner appeals for an extension it should not be unending.
- The proposed law seems fair and equitable.

Accountant Thomas Chartrand arrived at 7:30 p.m.

Megan Dorritie of Harter, Secrest & Emery, LLC, attorney for Paul Alexander, read the following letter (a copy of which was submitted to the Town Clerk:



November 10, 2016

Town of Spafford Town Board
1984 Route 174
Skaneateles, NY 13152

VIA HAND DELIVERY

Re: Proposed Amendments to Local Law No. C of 2016

Dear Board Members:

We represent Paul Alexander, who owns property within the Town of Spafford at 1619 and 1627 Basin Brook Lane. Please accept this correspondence as Mr. Alexander's formal comments on Proposed Local Law No. C of 2016 (the "Proposed Law").

The Proposed Law presents at least four significant issues: (1) certain sections are too vague to provide a property owner with fair notice of the prohibited conduct; and (2) certain sections do not provide standards for application, and consequently permit arbitrary enforcement; (3) there is insufficient evidence that the purpose of the Proposed Law—the protection of the rural and residential nature of the community—is furthered by restricting customary residential activities on residential properties within the Town; and (4) the Proposed Law contains an explicit preference for resident property owners over non-resident property owners.

The Proposed Local Law Is Impermissibly Vague

Several sections of the Proposed Law are impermissibly vague, thus depriving property owners of fair notice of the proscribed conduct. "Article VII, Temporary Rentals (4)" is one such section, and provides:

It is the owner(s) as well as the renter(s) responsibility to insure that the use and occupancy of the temporary rental premises does not create *undue* or excessive noise or *disturbance* and that the same does not endanger health, *comfort*, use, *enjoyment*, safety or *welfare* of any person, property or vegetation within the Town, and is otherwise in compliance with the Zoning Code of the Town of Spafford.

Proposed Local Law, Article VII, Temporary Rentals (4) (emphasis added).

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Any owner or renter alleged to have violated this section faces a fine of up to \$250, imprisonment for up to six months, or both. (Proposed Local Law, Article VII, Temporary Rentals (7) and Zoning Code of Town of Spafford § 4-2.) In addition, any owner determined to have violated this section on "multiple occasions" could have its ability to rent its property suspended or permanently revoked. (Proposed Local Law, Article VII, Temporary Rentals (7).)

Given this section's nebulous language, especially in light of the potentially severe penalties for violations, owners and renters do not have fair notice of the prohibited conduct. Words such as "undue," "disturbance," "comfort," "enjoyment," and "welfare" are vague and undefined by the Proposed Law or the Zoning Code of the Town of Spafford. These terms also are necessarily subjective and the Proposed Law provides no objective standards by which an owner or renter can measure compliance. Under the Proposed Law's current language, an owner or renter could face fines and imprisonment for disturbing the "comfort" of any person within the entire Town. Owners and renters are left to wonder if their engagement in customary residential activities could subject them to fines and imprisonment. For example, could use of a legal fire pit disturb the comfort of a Town resident with a sensitivity to smoke? Or could children playing an afternoon game of tag disturb the comfort of a Town resident's afternoon nap? It is unreasonable to hold an owner or a renter to standards so vague and subjective with the possibility of fines and imprisonment for violations.

Article VII, Temporary Rentals (4) should be stricken from the Proposed Law.

The Proposed Local Law Does Not Contain Necessary Application Standards

The Proposed Law delegates enforcement to the Code Enforcement Officer ("CEO"). Yet it provides no guidance for how the CEO should apply the Local Law, and contains no standards by which the CEO should determine whether a particular activity rises to the level of a violation. And although the Proposed Law gives complete discretion to the CEO to determine whether an owner's ability to rent its property should be suspended or permanently revoked for "multiple" violations, the term "multiple" is not defined.

Given the Proposed Law's vagueness and the high level of discretionary authority delegated to the CEO, the Proposed Law impermissibly imparts limitless discretion to the CEO. Such limitless discretion is rife with opportunities for abuse and could constitute a constitutional violation. For these reasons, Article VII, Temporary Rentals (7) should be stricken from the Proposed Law.

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The Nexus Between the Proposed Law's Stated Goals
and the Means Used to Achieve Those Goals Is Insufficient

Section 1 of the Proposed Law defines the law's purpose by stating that "Spafford has historically been an Agricultural and Residential, rural community and that the conversion of residential property through extensive short term rentals may endanger the rural, residential nature of the community and may cause disruption to the peace, quiet and enjoyment of residential members of the community." But given that the Proposed Law applies only to residential rentals, and the probability that use of the residential rentals will be consistent with customary use of residential properties within the Town, we question the means used to preserve the residential character of the community.

There is no evidence within the text of the Proposed Law that the Board ever identified or in any way enumerated ways in which residential rentals in particular would disturb "residential members of the community." We note that "residential members of community" is not a defined term and is impermissibly vague.

These concerns were highlighted during a Town Board meeting in July. Residents voiced approximately a dozen complaints about Mr. Alexander's rental properties. These complaints were based solely on customary residential activities, such as that: renters will put more garbage in the public dump; renters would drive up and down the public roadways; and massage therapists and caterers would visit the properties from time to time. Even assuming that these activities did occur and will continue to occur in the future, none of them are inconsistent with customary use of a residential property. And none would be considered a violation if undertaken by the owner.

Given this context, we are concerned that the Proposed Law, which allows residents to allege violations for any "discomfort" they experience because of renters, could be used by residents to harass other property owners based on customarily residential conduct. The deciding factor in determining whether such conduct would be a violation would be whether the conduct was by an owner or a renter. That whether fines and civil liability may be imposed depends on whether the allegedly improper conduct was by an owner or a renter is arbitrary and capricious. Accordingly, we submit that the Proposed Law is without adequate basis for Town action.

The Proposed Law Favors Resident Owners Over Non-Resident Owners

Finally, the problems with vagueness and unchecked discretion highlighted above are compounded by the Proposed Law's stated of preference for local residents. Section 1 of the Proposed Law states that the Town "recognizes from time to time **local residents** have the need to rent their home." We suspect that numerous property owners within the Town who would be subject to the regulations contained within the Proposed Law do not reside within the Town. The language in Section 1 leaves the impression that the Town's only concern is with local

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residents and not those who reside outside the Town. Thus, we ask that the discriminatory reference to local residents within Section 1 be removed from the Proposed Law.

We appreciate your attention to these concerns. Should you have any questions or want to discuss this any further, please feel free to reach out to me. My contact information is below.

Respectfully submitted,

Harter Secrest & Emery LLP



Megan K. Dorritie
DIRECTORIAL 314.271.1115
EMAIL: MDORRITIE@HSELAW.COM

MKD:cj

There were no additional comments. A motion to close the Public Hearing at 7:37 p.m. was made by Councilor DeWitt, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

Supervisor Kozub asked Mr. Cortese for comments on the letter read by Ms. Dorritie. Mr. Cortese requested time to review the letter prior to providing any additional guidance to the Town Board and added it is up to the Town Board to decide if the proposal should move forward or be held until the next meeting.

There were additional comments regarding the proposed local law. Supervisor Kozub polled the Board members to determine if the proposal should move forward or be held.

RESOLUTION 109-2016

Enacting Local Law 4-2016 “A Local Law to Amend the Zoning Code of the Town of Spafford for the Purpose of Regulating the Short Term Rental of Homes”

The following resolution was offered by Supervisor Kozub who moved its adoption, seconded by Councilor Fesko, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law C-2016 entitled, “A Local Law to Amend the Zoning Code of the Town of Spafford for the Purpose of Regulating the Short Term Rental of Homes” was presented and introduced at a regular meeting of the Town Board of the Town of Spafford held August 11, 2016; and

WHEREAS, the Town Board held a public hearing to consider said proposed Local Law C-2016 on September 22, 2016, which public hearing was continued on October 13, 2016, and further continued on November 10, 2016, and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Spafford in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the Town Board has previously determined the enactment of Proposed Local Law C-2016 to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), and has further determined that it will have no significant effect on the environment, thus concluding the SEQRA review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law C-2016.
NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Spafford, Onondaga County, New York, does hereby enact Proposed Local Law C-2016 as Local Law 4-2016 as follows:

TOWN OF SPAFFORD
LOCAL LAW 4-2016

A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF SPAFFORD FOR THE PURPOSE OF REGULATING THE SHORT TERM RENTAL OF HOMES

Be it enacted by the Town Board of the Town of Spafford as follows:

SECTION 1: The purpose of this Local Law is to amend the Zoning Code of the Town of Spafford to regulate the short term rental of homes within the Town. The Town recognizes from time to time local residents have the need to rent their homes, many of which are camp properties located on or near the shores of the two lakes located within the Town borders, Lakes Skaneateles and Otisco.

The Town also recognizes that Spafford has historically been an Agricultural and Residential, rural community and that the conversion of residential property through extensive short term rentals may endanger the rural, residential

nature of the community and may cause disruption to the peace, quiet and enjoyment of residential members of the community. Reference is made to Section 1-2 of the Zoning Code of the Town of Spafford.

SECTION 2: To achieve these stated goals, the Zoning Code of the Town of Spafford is amended as follows:

Amendments to Article I, Title, Intent, and Definitions, Section 1-5 Word Usage, Definitions:

Section 1-5 of the Zoning Code of the Town of Spafford is hereby amended to remove the definition of “Temporary Rental” and replace it with the following:

Temporary Rental

The rental of a one-family or two-family dwelling by the owner of the dwelling for a term not to exceed one hundred twenty (120) days in any given calendar year.

Article VII, Regulations Applicable to All Zoning Districts is amended to include Section 7-24 which shall provide as follows:

Temporary Rentals – are subject to the following rules and regulations:

1. The owner of a one-family or two-family dwelling may rent the dwelling subject to all terms and conditions of this and all other provisions of the Zoning Code of the Town of Spafford, for a term not to exceed one hundred twenty days (120) days. The owner may rent the dwelling multiple times in any given year, but the total duration of all rentals may not exceed one hundred twenty (120) days per calendar year.
2. If the residential premises contains two (2) bedrooms or less, the maximum number of persons allowed to occupy the premises during the period of rental may not exceed eight (8) people, for overnight occupancy.
3. If the residential premises contains more than two (2) bedrooms, the maximum number of persons allowed to occupy the premises during the period of rental may not exceed ten (10) people, for overnight occupancy.
4. It is the owner(s) as well as the renter(s) responsibility to ensure that the use and occupancy of a temporary rental premises does not create undue or excessive noise or disturbance and that the same does not endanger the health, comfort, use, enjoyment, safety or welfare of any person, property or vegetation within the Town, and is otherwise in compliance with the Zoning Code of the Town of Spafford.
5. The premises is not to be rented for any commercial purpose, or any other purpose not expressly permitted herein, such as concerts or weddings.
6. All owners offering a temporary rental must complete a registration form, a copy of which is attached hereto as Exhibit “A”, and are required to pay a \$100.00 registration fee for each year they intend to offer temporary rentals. The Town Board may from time to time modify the registration form and/or the registration fee by resolution of the Town Board.
7. Penalties for violations of this Section include those set forth under Article IV of the Zoning Code of the Town of Spafford. If, after notice of violation and a hearing, the owner(s) of registered temporary rental premises are found to have violated the provisions of this Section on multiple occasions, the Town of Spafford Code Enforcement Officer shall have the discretionary authority, pursuant to the enforcement provisions of the Town of Spafford and Article IV of the Zoning Code of the Town of Spafford, to suspend or revoke the registration of any temporary rental premises where such violations have occurred.

8. All owners offering a temporary rental must comply with all applicable local, state and federal tax requirements.

Article VIII, Regulations Applicable to Special Use Permits is amended to add Section 8-17 entitled “Temporary Rentals.”

Section 8-17 Temporary Rentals

1. An owner of a residential property may seek approval for the temporary rental of the property under terms that may be inconsistent or deviate from the requirements set forth in the Zoning Code of the Town of Spafford through application of a Special Use Permit and pursuant to the terms and procedures as set forth under Article VIII of the Zoning Code of the Town of Spafford.

SECTION 3: Sunset/Amortization

3-1. Preexisting, non-conforming rentals of one-family and two-family dwellings that predate the enactment of this Local Law, which amends the Zoning Code of the Town of Spafford to limit the temporary rental of such dwellings to one hundred twenty (120) days per calendar year and to require the owner(s) of such temporary rental premises to register with the Town, shall conform to the provisions of the Zoning Code of the Town of Spafford, as amended by this Local Law, within five (5) years from the date of its passage. This is intended as a sunset/amortization provision.

3-2. The Planning Board of the Town of Spafford may grant an extension of time allowing the owner(s) of a one-family or two-family dwelling to continue the preexisting, non-conforming rental of the property after the conclusion of the five (5) year amortization period described in Section 3-1 of this Local Law, provided that the owner(s) prove that, due to specific circumstances, such amortization period is unreasonable and will result in a substantial loss of investment. In order to secure an extension of time, the owner(s) must submit to the Planning Board a written request for such extension at least sixty (60) days prior to the expiration of the amortization period, together with relevant, credible documentary evidence supportive of their request, such as financial statements and tax records. In making its determination, the Planning Board shall consider, among any other relevant factor:

- i. the nature of the non-conforming rental;
- ii. the cost of converting to a conforming temporary rental;
- iii. the amount and nature of the investment in the non-conforming rental dwelling;
- iv. the detriment caused by the non-conforming rental;
- v. the character of the neighborhood;
- vi. the good faith efforts of the owner(s) to have amortized the cost of the investment during the course of the amortization period provided by Section 3-1 of this Local Law

SECTION 4: Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Christine Fesko, Councilor	Voted Yes	Cherry Randall, Councilor	Voted No
Dave Venezia, Councilor	Voted Yes	Christopher Kozub, Supervisor	Voted Yes
Luke Dewitt, Councilor	Voted Yes		

The foregoing resolution was thereupon declared duly adopted.

PUBLIC HEARING PROPOSED LOCAL LAW E-2016 To Override the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Spafford

A motion to open the Public Hearing for proposed local law E-2016 at 7:54 p.m. was made by Councilor DeWitt, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

Comments regarding the proposed local law included:

- It is not just an increase in the tax rate, but also the loss of the State’s rebate on school taxes.
- Why is this being done prior to opening Public Hearing for the 2017 budget?
 - *The decision on the override will direct the review of the proposed budget.*
- If the override is adopted, the Town will always seek “bigger and newer,” and not pursue sharing with other municipalities. Councilor Randall should not be able to vote due to the conflict of interest with her husband as a Highway employee. She will directly benefit from an increase in the Highway budget.
- Will the proposed law be permanent?
 - *No, it would only apply to the 2017 budget.*
- The Tax Levy Limit was meant to be a constraint; to override it makes no sense. Once raised, the base budget becomes permanently higher; providing a higher base to work from for future any override.
- Attendance at the budget work sessions would provide the public an understanding of the entire process.

A motion to close the Public Hearing for proposed local law E-2016 at 8:00 p.m. was made by Councilor DeWitt, seconded by Councilor Randall. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 110-2016

Enacting Local Law 5-2016 A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Spafford

The following resolution was offered by Councilor Fesko, who moved its adoption, seconded by Councilor DeWitt, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law E-2016 entitled, “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Spafford” was presented and introduced at a regular meeting of the Town Board of the Town of Spafford held October 13, 2016; and

WHEREAS, the Town Board held a public hearing to consider said proposed Local Law E-2016 on November 10, 2016, and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Spafford in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the Town Board has previously determined the enactment of Proposed Local Law E-2016 to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), and has further determined that it will have no significant effect on the environment, thus concluding the SEQRA review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law E-2016.
NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Spafford, Onondaga County, New York, does hereby enact Proposed Local Law E-2016 as Local Law 5-2016 as follows:

TOWN OF SPAFFORD
LOCAL LAW 5-2016

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c IN THE TOWN OF SPAFFORD

Be it enacted by the Town Board of the Town of Spafford as follows:

SECTION 1 LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Spafford pursuant to General Municipal Law § 3-c, and to allow the Town of Spafford to adopt a budget for the fiscal year beginning January 1, 2017, and ending December 31, 2017, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

SECTION 2 AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Spafford Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least 60% of the Spafford Town Board.

SECTION 3 TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Spafford, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

SECTION 4 SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation or circumstance shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Christine Fesko, Councilor	Yes	Cherry Randall, Councilor	<i>abstain</i>
Dave Venezia, Councilor	Yes	Christopher Kozub, Supervisor	Yes
Luke Dewitt, Councilor	Yes		

The foregoing resolution was thereupon declared duly adopted.

At 8:05 p.m. Supervisor Kozub called for a 10 minute recess.

The meeting resumed at 8:15 p.m.

PUBLIC HEARING PROPOSED 2017 TOWN OF SPAFFORD BUDGET

A motion to open the Public Hearing for proposed 2017 Town of Spafford budget at 8:15 p.m. was made by Councilor Fesko, seconded by Councilor Venezia. The motion PASSED. AYES – 5, NAYS – 0.

Public comments regarding the proposed budget included:

- Under prior administrations, the Highway budget has been revealed as the major burden and each administration has blamed the previous one. Is it time to contract out the services? Are a salt shed, or new garage, or new trucks needed? Reestablish the Highway Advisory Committee (“HAC”) to determine the true needs. Should the Highway Department be dissolved?
- The Highway budget is excessive; the Town should seek consolidation with other towns.
- The Town Board should follow the recommendations provided by the HAC and seek to share services. Use software from the County to optimize the snow routes.
- The Transfer Station is the only service some residents receive.
- The Board should view this as a crisis, not just turn to the taxpayers to make up the shortfall.
- Plowing once a day is not feasible; the County is not looking to take on additional roads, they are actually seeking to have towns take more of their roads.
- Is replacement cost of the Gradeall the majority of the proposed increase? How many days is it used each year? The Town should seek to share equipment if it’s not being used.
- The HAC provided significant recommendations including using the resources available from Cornell Local Roads Program to develop a long term plan for road services.

Town Board comments:

- The HAC provided good recommendations, and the Town Board will consider all aspects of the budget.
- The Highway cost projection spreadsheet provided by HAC excluded debt service.
- Members of the Board have worked with Supt Fordock on creating an equipment schedule and a long term road maintenance plan.
- A reminder that once support services are cut in any system or organization, problems can occur quickly; and recovery is difficult.
- The Town has reached out to many agencies for guidance, information and support including Cornell Local Roads.

A motion to close the Public Hearing for the proposed 2017 Budget at 8:55 p.m. was made by Councilor DeWitt, seconded by Councilor Venezia. The motion PASSED. AYES – 5, NAYS – 0.

BOARD PROPOSED 2017 BUDGET DISCUSSION

- The Spafford Fire District has adopted a budget of \$358,270.00 for 2017; this is a tax rate of \$0.97, which is a \$0.01 increase.
- The Transfer Station permit fee was discussed; it would need to be \$90 per year to cover the associated expenses. The Board will consider \$30 per year at their 2017 Organizational Meeting.
- Gradeall rental versus purchase was discussed, as well as sharing/borrowing the equipment.
- Supt Fordock is asking for \$145,000 in 2017 to allow the work on Willow Hill Road to be completed in one year instead of two. That cost is estimated at \$110,000; the balance will be used on normal road maintenance.

- Cornell Local Roads recommends a 3 – 5 year road maintenance cycle, Supt Fordock is seeking to establish a 4 year cycle once all the roads are in condition.
- The Town of Scott requested an increase in funds for their youth program, which welcomes children from the Town of Spafford.
- There was a discussion of reduction to a two man Highway crew and retain a set number of hours for a part-time crew member to be used at the Highway Supt’s discretion. With one crew member out on medical leave for the next month or two, the Town will be able to assess the actual feasibility of the proposal. The options will be reviewed and discussed throughout the 2016-217 snow season.

At 10:50 p.m. Supervisor Kozub called for a 5 minute recess.

The meeting resumed at 10:55 p.m.

RESOLUTION 111-2016

2017 Budget for the Town of Spafford

On a motion by Supervisor Kozub, seconded by Councilor Venezia the following resolution was PASSED

AYES – 4	Kozub, Fesko, Venezia, DeWitt
NAYS – 0	
Abstention – 1	Randall

Resolved to adopt the amended 2017 Preliminary Budget for the Town of Spafford as the final 2017 Budget for the Town of Spafford.

SUMMARY OF ADOPTED TOWN BUDGET 2017

CODE	FUND	APPROPRIATION AND PROVISION FOR OTHER USE	LESS ESTIMATED REVENUES	LESS UNEXPENDED BALANCE	AMOUNT TO BE RAISED BY TAX	AMOUNT RAISED PRIOR YEAR	% CHANGE
A	General – Town wide	676,849.00	119,064.00	222,449.00	335,336.00	419,802.00	-20.12%
DA	Highway – Town wide	721,861.00	153,161.00	12,112.00	556,558.00	435,294.00	27.86%
	Spafford Fire District	375,100.00	50.00	16,780.00	358,270.00	355,900.00	0.67%
	Southern Onondaga Area Water District	200,724.00	150,575.00	5,814.00	44,335.00	40,780.00	8.72%
TAX WARRANT ADJUSTMENT						8.00	
	TOTALS	1,974,534.00	422,850.00	257,155.00	1,294,529.00	1,251,784.00	3.41%

TOWN SUPERVISOR’S REPORT & STATEMENT

The Town Supervisor’s Report & Statement for October 2016 was read by Accountant Thomas Chartrand and filed. A motion to accept the Town Supervisor’s Report for October 2016 was made by Councilor DeWitt, seconded by Councilor Venezia. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 112-2016

October 2016 Bank Reconciliation

On a motion by Councilor Fesko, seconded by Councilor DeWitt the following resolution was PASSED. AYES – 5 Kozub, Fesko, Venezia, DeWitt, Randall
NAYS – 0

Resolved to find a positive audit of the October 2016 bank statement as presented before the Town Board.

RESOLUTION 113-2016

December 2016 General Fund Payroll

On a motion by Supervisor Kozub, seconded by Councilor Randall the following resolution was PASSED AYES – 5 Kozub, Fesko, Venezia, DeWitt, Randall
NAYS – 0

Resolved to set the December 2016 General Fund payroll date as December 8, 2016.

ZONING BOARD OF APPEALS RESIGNATION

A motion to accept the resignation of Mark Fohs from the Town of Spafford Zoning Board of Appeals, effective October 31, 2016, was made by Councilor Fesko, seconded by Supervisor Kozub. The motion PASSED. AYES – 5, NAYS – 0.

ADVERTISE THE ZONING BOARD OF APPEALS VACANCY

A motion to advertise in the Skaneateles Press for applicants to fill the vacancy on the Zoning Board of Appeals was made by Councilor Fesko, seconded by Councilor Randall. The motion PASSED. AYES – 5, NAYS – 0.

ADVERTISE THE 2016-2017 SEASONAL ROADS NOTICE

A motion to advertise in the Skaneateles Press the Seasonal Road list was made by Councilor Randall, seconded by Councilor DeWitt. The motion PASSED. AYES – 5, NAYS – 0.

EXECUTIVE SESSION

A motion to enter Executive Session at 11:05 p.m. to discuss the Highway Department’s Teamsters’ Union Contract was made by Councilor Fesko, seconded by Councilor DeWitt. The motion PASSED. AYES – 5, NAYS – 0.

A motion to exit Executive Session at 11:28 p.m. was made by Councilor DeWitt, seconded by Councilor Venezia. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 114-2016

Collective Bargaining Agreement

On a motion by Councilor Fesko, seconded by Councilor DeWitt the following resolution was PASSED AYES – 4 Kozub, Fesko, Venezia, DeWitt
NAYS – 0
Abstention – 1 Randall

Resolved Supervisor Kozub has the authority to sign the Collective Bargaining Agreement between the Town of Spafford and the International Brotherhood of Teamsters, Local Union No. 317 as presented with the term of the agreement to be January 1, 2017 through December 31, 2019.

ADJOURNMENT

A motion to adjourn the meeting at 11:29 p.m. was made by Councilor DeWitt, seconded by Councilor Randall. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
Thursday, December 8, 2016 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford