

At 7:00 p.m. Supervisor Webb A. Stevens called to order the meeting of the Spafford Town Board. Councilors Bill Vinzant, Richard Fesko, Ken Lieberman and Merrill Clark were present. Town Clerk Lisa Valletta was also present. The Pledge of Allegiance was recited.

AGENDA ITEM

Supervisor Stevens explained the attorney was not yet present for the discussion on the union. He further stated the Town Board would be entering into executive session for that discussion.

CANDIDATES FOR ASSESSOR

The committee that interviewed all the applicants for the position of Assessor recommended Kim Stone-Gridley and David Roach for final interviews with the Town Board.

The Board spoke with questioned both applicants regarding their experience as an assessor in other towns, familiarity with diverse properties within a town, intended availability to Town of Spafford residents, and training.

Supervisor Stevens thanked both applicants for their time and stated they would be informed of the Town Board’s decision.

SURPLUS EQUIPMENT

An old computer, once used by the Town Clerk then by the Building Department, has been replaced at no cost to the Town. A motion to declare this computer as surplus equipment was made by Councilor Vinzant, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

DOOR LOCKSETS

The locksets on the exterior doors of the Community Meeting Room are original. They have been re-keyed numerous times and are not compliant with handicap accessibility requirements. Although the designated handicap entrance is other than these doors, that entrance is not available unless the offices are open. A quote for replacing the locksets with handicap compliant sets was obtained; the amount was \$100 per door.

RESOLUTION 121-2007

Door Locksets

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

Resolved to authorize the replacement of the door locksets on the exterior doors of the Community Meeting Room.

CERTIFICATE OF WORKERS’ COMPENSATION INSURANCE

There was a recent article in the newspaper explaining that New York State law does not require submission of proof of Workers’ Compensation insurance by a contractor prior to issuance of a building permit; neither does the Town of Spafford. Building Inspector Doug Staley requests the Town Board pass a resolution supporting the submission of proof of Workers’ Compensation insurance by a contractor prior to issuance of a building permit. There was a discussion of the issue.

A motion was made by Councilor Fesko, seconded by Councilor Clark to modify the Building Department permit requirements by deleting the requirement of providing a certificate of insurance or affidavit of homeowners’ insurance and adding a recommendation that the applicant/property owner confirm the contractor is fully insured, including Workers’ Compensation coverage. The motion PASSED. AYES – 5, NAYS – 0.

PROPOSED LOCAL LAW #2007-3

Supervisor Stevens read the text of proposed local law 2007-3 which amends Local Law #2007-2:

A Local Law Amending Local Law 2007-2 in Order to Require the Submission to the Building Department of an Additional Survey Following the Construction of a Foundation for any Structure that Requires a Building Permit

Section 1. Local Law 2007-2 of the Town of Spafford shall be amended as follows:

Section 4. Building Permits

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Office of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Office determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued. In order to ensure that the construction of all footings and foundations is performed in accordance with the accepted construction documents, the Permit Holder shall be required to submit to the Code Enforcement Office an as-built survey depicting the precise location of such footings and foundations, as well as the distances between such footings and foundations and any existing or proposed building or structure and all lot lines. The Permit Holder is required to submit such survey to the Code Enforcement Office within fifteen (15) days following the completion of construction of such footings and foundations, and no further construction-related work shall be permitted under the Building Permit until the Code Enforcement Office issues a written approval to the Permit Holder authorizing further work in accordance with the Building Permit. *The Code Enforcement Office may waive the requirement for an as-built survey, but such waiver must be in writing and provided to the Permit Holder.*

Section 2.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

PUBLIC HEARING

Supervisor Stevens explained the final sentence of the above text is the amendment to Local Law #2007-2. A motion to open the public hearing for discussion of proposed local law 2007-3 was made by at 7:50 p.m. by Supervisor Stevens, seconded by Councilor Vinzant. The motion PASSED. AYES – 5, NAYS – 0.

Councilor B. Vinzant: At one time, we had concluded that the exception should relate to a variance rather than the judgment of the Code Enforcement Officer. Why was that changed?

Supervisor W. Stevens: From a variance to everything?

B. Vinzant: It started out everything...

Councilor R. Fesko: This isn't really quite the same as what we were talking about; because this is saying everybody requires one.

B. Vinzant: Yes.

Fesko: Where we were trying to say.....

Vinzant: And then we changed that and said it would only apply to those cases where a variance was ...

Stevens: That's correct.

Vinzant: And at some point that got changed back to everything but exceptions could be made at the discretion of the Code Enforcement Officer.

Fesko: That's what this one says.

Vinzant: Right.

Councilor M. Clark: Basically, he took the area variance out of it.

Councilor K. Lieberman: I think it's for cases like the Ripich house.

Fesko: That's what he's saying; there are certain cases where they don't require a variance, but apparently there's.....

Lieberman: The house may not be where it's supposed to be or it's too close to the property line or it's not built as the building permit stated. That's why, right?

Stevens: What's that?

Lieberman: Originally, I thought we should have this law based on a couple of structures in town. We talked about it and said: well, only if there's an area variance because that's the only time its confrontational; and that was okay, we went ahead with that. But since then we've had a least one case where an area variance was not necessary and people's houses were not built where they were supposed to be and too close to the property lines; and without the as-built survey for the foundation you wouldn't know where those houses are.

Vinzant: I consulted Doug Staley before this came up the first time and Doug expressed a bit of frustration that this law had never been discussed with him prior to the time it was brought and he thought that in some ways it was perhaps an unenforceable law and he is opposed to it. He said he could live with the variance because that gave him a yes/no decision. This puts him in a conflict-of-interest situation in having to decide who, where, when this applies.

Stevens: I don't agree with that. And I disagree with the statement that he was not in favor of this law. He's the one that perpetrated this law. I was sitting here one night when there was a discussion about a building permit and a survey. And he brought it up that there ought to be a second survey done; and I was against it. And Staley said, "No, it should be done." There was a contractor in here that's doing a house down on Pine Grove Road and I asked him. He said "Yes, this is required in other towns." And Staley

went right along with that, so as far as him being concerned about that.... And as far as the conflict of interest a man ought to be able to make a decision as to whether we need a survey or not. And he's not discriminating against anybody unless he misuses his authority.

Fesko: I'll agree with that. He should be able to...I've always felt all along we don't even need this. He should be able to just require it on his own as far as I'm concerned. I mean if you can't tell where the boundary is, I'd want a survey. In order for me to do my job, I want a survey; I don't know where the boundary line is.

Stevens: And why should you? So, it's up to whatever you want to do with this. Is there any other discussion, from the public? Jeff? Curt?

Lieberman: I can see why we need this as built foundation survey. There're plenty of examples. I can think of three examples in the most recent past where this would have been helpful. I can think of a structure that part of it is actually in the road. It's not set back at all and I was on the Zoning Board at the time.

Stevens: There's a bill that's coming from the attorneys. And this bill is all lined up as to what our costs are. This Ripich problem is going to be one of the major expenses we've got. There are about five major costs to our attorney fees here; and we don't need attorneys..... I talked to Andy Leja today, and I told him, "I don't need your office in my building everyday." He agreed. We need to stop this somehow; the Town needs to do this somehow. We need to get a hold on what we're spending on attorney fees and what we're doing here. If we have to pass these laws in order to save the Town from litigation, as far as I'm concerned so be it. I'm not in favor of a lot of laws. Now that I'm involved in this, I can see where things get out of hand.

Jeff Ireland: I don't have a problem with the law. At first I was concerned that everybody was going to have to get one....I've got a hundred acres out there. I think this guy ought to have enough sense to be able to say, "No, you don't need it."

Stevens: Don't you think he's capable?

Ireland: Well I would hope so; otherwise we'd better get rid of him.

Stevens: If you want to put an addition on your house that's been there 150 years, Jeff; and it's well within the property lines. But if you had a new home and you're marginal, and you needed a variance you'd need a survey, come on. To make sure you put it where you said you're going to put it.

Ireland: And have him measure to make sure it's where it's supposed to be. I mean, he's getting enough money, he can do a little work once in a while.

Stevens: This law would require it. Is there any other comment? If not I'm going to close the public hearing on this.

There were no other comments or questions. A motion to close the public hearing at 7:55 p.m. was made by Supervisor Stevens, seconded by Councilor Vinzant. The motion PASSED. AYES – 5, NAYS – 0.

Supervisor Stevens explained no vote on this proposed law would be taken until approval for it has been received from Onondaga County Planning Agency.

ZONING BOARD OF APPEALS

Councilor Lieberman asked if there had been any applicants for the opening on the Zoning Board of Appeals. To date, one application has been received. Supervisor Stevens stated the appointment would be part of the 2008 organizational agenda.

MULTIMODAL FUNDS

Councilor Lieberman reported to the Town Board that Governor Spitzer has removed the MultiModal funds from the 2008 budget. Senator Valesky advised Councilor Lieberman that a letter explaining the need for grant money should be sent to his office. The Town Clerk will draft the letter for review before posting it to the Senator.

CHRISTMAS TREE

Councilor Vinzant stated he had received a request for Town Board approval for placement of a Christmas tree on Town property in Spafford, specifically next to the bell at the corner of Route 41 and Bacon Hill Road. A motion to allow the described placement of a Christmas tree was made by Councilor Clark, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

EXECUTIVE SESSION

At 8:05 p.m. a motion was made by Councilor Lieberman to enter executive session to discuss the Town's response to the Teamster's Union with the Town Attorney. The motion was seconded by Councilor Vinzant and was PASSED. AYES – 5, NAYS – 0.

At 9:15 p.m. a motion was made by Councilor Lieberman, seconded by Councilor Vinzant to return to open session. The motion PASSED. AYES – 5, NAYS – 0.

APPOINTMENT OF ASSESSOR

Councilor Fesko made a motion to offer the position of Sole Assessor for the Town of Spafford to Kim Stone-Gridley at a salary of \$24,000 per year. The motion was seconded by Councilor Clark and PASSED. AYES – 5, NAYS – 0. Should Mrs. Gridley decline the offer, the matter will be returned to the Town Board for consideration.

Adjournment

On a motion by Councilor Lieberman, seconded by Councilor Vinzant the meeting adjourned at 9:20 p.m. subject to the Call of the Town Clerk. Carried unanimously.

Respectfully submitted by,

Next meeting to be held
December 6, 2007 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford