

At 7:08 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. Highway Superintendent Carl Wiers, Accountant Thomas Chartrand, Town Clerk Lisa Valletta and Building Inspector Doug Staley were also present. The Pledge of Allegiance was recited.

HIGHWAY SUPERINTENDENT'S REPORT

- Compared the costs of bank run gravel:
 - Timothy Fey - - roughly \$4.00 per yard – total cost about \$4,800
 - EZ Acres Materials - - \$2.95 per ton – total cost \$5,300
 - Dan Smith - - \$5.00 per yard – total cost \$6,000
- Working on the culvert on Craig Road, will be completed on Monday.
- Half of the winter sand has been delivered.

RESOLUTION 86-2007

Purchase Gravel for 1865 East Lake Road Parking Lot

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

Resolved to authorize the purchase of bank run gravel for the parking lot construction at 1865 East Lake Road was made by Councilor Vinzant, seconded by Councilor Lieberman. The motion PASSED. AYES – 5, NAYS – 0.

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

HIGHWAY BUDGET

With the upcoming budget season and the expectation of the \$100,000 culvert project on Spafford Landing Road, Councilor Vinzant has examined the last ten years of Highway expense reports. He reassured the Board and Mr. Wiers that he has found nothing untoward. Councilor Vinzant has compiled a report on the Highway budget and expenses for the Board members to review.

AUGUST TOWN BOARD MINUTES

A motion to accept the minutes of August 9, 2007 Town Board meeting as submitted by the Town Clerk was made by Councilor Fesko, seconded by Councilor Clark. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 87-2007

Audit of Claims

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

Resolved the bills on Abstract #9, be paid in the following amounts:

General Fund	#260 through # 293	\$ 67,281.10
Highway Fund	#135 through # 149	\$58,276.88

(Highway Fund includes Machinery & Snow bills when applicable).

Applicants for Assessor

Supervisor Stevens stated ten applications have been received for the advertised position of Sole Assessor for the Town of Spafford. To expedite the interview process, Supervisor Stevens suggests the Town Board appoint a committee to conduct the interviews and recommend two applicants to the Town Board for final interviews. There was a discussion of a per parcel salary, whether or not there would be clerical assistance hired and at what salary.

RESOLUTION 92-2007

Interview Committee

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

Resolved to appoint Councilor Fesko and the following Town of Spafford residents to an interview committee for the Sole Assessor applicants: Robert Cook as Chairperson; Barbara Marshall; Teri Wise; David Schoeneck; and Peter Lemke.

TOWN BOARD WORK SESSIONS

Councilor Fesko proposed the Town Board of the Town of Spafford conduct monthly work sessions to permit time for discussion of various topics brought to the attention of the Town Board prior to the official business meeting. There was a discussion of the need for the sessions and when/how often to conduct them.

RESOLUTION 93-2007

Town Board Work Sessions

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 set the first Thursday of each month at 7 p.m. as the designated day and time for Town Board work sessions; to be advertised in the same manner as the Town Board meetings.

BARTON & LOGUIDICE SOAWD AMENDMENT #4

Barton & Loguidice, SOAWD engineers, have submitted an amendment to the existing agreement for an additional \$50,000 to be transferred from attorney fees to engineering fees. These funds would cover the additional costs realized by Barton & Loguidice as they assist the attorneys in obtaining necessary easements for the water district.

RESOLUTION 94-2007

Barton & Loguidice SOAWD Amendment #4

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

Resolved to authorize Supervisor Stevens to sign Barton & Loguidice SOAWD Amendment #4 upon confirmation of approval by the Towns of Marcellus and Otisco and transfer \$50,000 from SOAWD attorney fees to SOAWD engineering fees.

TRANSFER STATION

Councilor Clark has reviewed the activity at the Spafford Transfer Station with consideration of alternate equipment. He provided an analysis of the operating costs of current equipment (25 yard compactor and an overflow container) compared to a 35 yard compactor. Comparing the current costs, which include the overflow container, to the projected costs the Town could realize a savings of \$9,300 per year. If the Board members are in favor of the change to a larger compactor, it could be in place by October 1, 2007. There was a discussion of the electrical needs for the larger compactor.

RESOLUTION 95-2007

Transfer Station Equipment

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

Resolved to replace the 25 yard compactor from the Spafford Transfer Station with a 35 yard compactor.

RADIO FREQUENCY CONSULTANT

The Town of Spafford Zoning Board of Appeals (ZBA) has been reviewing an application for construction of a cell tower in the Town. To aid in the review, the ZBA is recommending a Radio Frequency Consultant be retained. The following letter from the ZBA was read by Supervisor Stevens:

Be advised that on Monday, September 10, 2007, at a meeting of the Spafford Zoning Board of Appeals, a motion was made and carried to recommend to the Town Board that a radio-frequency (RF) expert be retained to assist the Town in evaluating the current proposal by Verizon Wireless for erecting and maintaining a cell tower.

We further recommend that retaining such an expert be contingent on Verizon's willingness to pay all costs associated with this review. The ZBA will provide all documents submitted by Verizon Wireless to date, along with a set of guiding questions to aid the consultant in understanding our concerns on behalf of the citizens of Spafford.

Should the Town Board have additional questions, please share them in writing or call any member of the ZBA. We would be happy to include them in the list we submit to the consultant.

Supervisor Stevens stated a letter has been received from RF consultant William Johnson and confirmed the members of the Town Board have reviewed the letter and Mr. Johnson's qualifications. There was a discussion of Mr. Johnson's qualifications and the need for a consultant and how to ensure building and zoning codes are followed. Supervisor Stevens explained that Verizon Wireless was asked to provide an escrow for payment of Mr. Johnson's services. He then read the following letter from Jared C. Lusk, attorney for Verizon Wireless:

We are in receipt of a letter dated September 11, 2007 from Mathew T. Kerwin, Esq., attorney for then Town's Zoning Board of Appeals, informing us of the Town Board's intent to hire Professor William Johnson as a consultant to review the above-referenced application (for the cell tower) on behalf of the Town of Spafford. In Mr. Kerwin's letter he asked that Verizon Wireless provide written confirmation of its willingness to provide an escrow to cover the cost of services provided by Mr. Johnson.

By this letter, Verizon Wireless hereby agrees to provide funds (in a yet to be determined amount, however, Mr. Kerwin has stated approximately \$4,000) to cover the Town's reasonable expenses in

retaining Professor Johnson. Verizon Wireless would, however, request the opportunity to review Professor Johnson's invoices prior to their payment by the Town to ensure that any issues regarding such invoices are addressed prior to payment.

Should you have any questions, please do not hesitate to contact me. Otherwise, we look forward to working with both the Town and Professor Johnson on this very important matter.

RESOLUTION 96-2007

Radio Frequency Consultant

WHEREAS, the Town of Spafford Zoning Board of Appeals ("ZBA") received an application from Verizon Wireless dated May 17, 2007 requesting permission to construct a 195' wireless telecommunications facility within the Town; and

WHEREAS, the proposed telecommunications facility, if approved, would be the first such facility in the Town; and

WHEREAS, the ZBA held a public hearing regarding the proposed project on August 13, 2007, at which time the Applicant presented evidence in support of the proposed project; and

WHEREAS, the Applicant provided supplemental information to the ZBA dated September 5, 2007 in response to several questions that were raised by the ZBA and the public during the public hearing; and

WHEREAS, the ZBA continues to have several questions regarding the proposed project that it would like answered by an independent Radio Frequency engineer; and

WHEREAS, the ZBA, through its attorney, has identified William P. Johnson as the preferred candidate to act as the ZBA's Radio Frequency consultant concerning the proposed project; and

WHEREAS, during its meeting on September 10, 2007, the ZBA moved to request that the Town of Spafford Town Board adopt a resolution authorizing the Supervisor to execute the Statement of Work (attached hereto as Exhibit A) for the purpose of retaining Mr. Johnson's services,

NOW, THEREFORE, be it

RESOLVED, based on its review of the materials provided by William P. Johnson, the Town Board of the Town of Spafford concludes that Mr. Johnson is highly qualified to act as the ZBA's Radio Frequency consultant concerning the proposed project; and be it further

RESOLVED, that the Town Supervisor shall be authorized to execute and deliver the attached Statement of Work, provided the Town receives either (a) written confirmation from Verizon Wireless of its agreement to provide \$3,500 in escrow, against which the consultant can bill; if the balance of the escrow should drop below \$1,000 Verizon Wireless will deposit additional funds to restore the balance to at least \$2,500, to cover all costs associated with Mr. Johnson's services, or (b) an escrow from Verizon Wireless, \$3,500 in escrow, against which the consultant can bill; if the balance of the escrow should drop below \$1,000 Verizon Wireless will deposit additional funds to restore the balance to at least \$2,500, to cover all costs associated with Mr. Johnson's services.

EXHIBIT A

STATEMENT of WORK TO BE PERFORMED BY CONSULTANT

1. Consultant will review Applicant's project materials for a wireless telecommunications base station facility for ELECTRICAL RF (radio-frequency) aspects. The purpose of the review is to support Client's agents in finalizing their decision regarding the application.

- a. Client will annunciate any specific areas of concern and such concerns constitute the scope of review. Consultant will assist Client when requested to arrive at a suitable scope of review.

- b. Consultant will evaluate the completeness of the RF information provided by Applicant within the scope of review for the primary site and any alternate sites relevant to the Client's needs.
 - c. Where appropriate Consultant will comment on the implications of the system as proposed by Applicant within the scope of review.
 - d. Consultant will highlight information within the scope or review that, in the opinion of Consultant, may require clarification or which might be otherwise misinterpreted by Client's decision makers.
 - e. Consultant will produce a written report that summarizes the findings.
2. As needed, Consultant will make all reasonable effort to attend work sessions and other meetings as requested by Client provided Consultant has no conflicting prior scheduled commitments.

It is understood and agreed that Consultant will not re-engineer the applicant's system. It is understood that Consultant does not have access to the simulation software used by Applicant and their equipment supplier; therefore he cannot perform independent system design and simulation. Application review will be based on documentation provided by Client in light of the technical principles governing systems such as that proposed by Applicant. If necessary and identified during the review, Consultant will advise Client of costs and lead time for procurement of RF propagation plots and/or other services from an outside vendor. Such services and costs are not included in this SOW. Client may decline procurement of such services. When Client declines outside services, aspects of the review to which they are related are deemed to have been eliminated from the SOW.

CLIENT'S RESPONSIBILITIES WHEN ACCEPTING THIS SOW

Client agrees to obtain needed information and any other pertinent documents from Applicant and to provide it and any other such information required for performance of this agreement to Consultant before start of the RF review. For municipal clients who are to be reimbursed for costs under this SOW, Client agrees to make all reasonable effort to obtain funds from Applicant either by advance payment into a municipal escrow account or by other means determined by Client. In any case, Client agrees to delay hearings until suitable funds are committed by Applicant and/or impose conditions on any Applicant permit approvals that require payment of Consultant's reasonable fees.

DEADLINE FOR COMPLETION OF THE WORK:

Consultant will deliver a preliminary report to client within 4 weeks after receipt of (1) a signed approval of this proposal and (2) all other required information needed to proceed with the application review - such as any existing tower zoning ordinance and updated application documentation. Authorization may be faxed to 585-889-8920.

COSTS:

Actual costs for completion of all items in the Statement of Work (SOW) will be determined according to Attachment A which is an integral part of this proposal. For municipal clients, it is recommended that Client obtain funds from the project sponsor in escrow. It is acceptable to Consultant for Client to secure \$3,500 in escrow against which Consultant can bill work as performed. Should the balance in the escrow account drop below \$1000, Client will require Applicant to deposit additional funds to replenish the escrow account to an amount of at least \$2,500.

Although a fixed not-to exceed amount cannot be established due to the wide factual variations even between similar projects and many other variables beyond the control of either Consultant or Client, based upon past application reviews it is anticipated that charges for services under this SOW will likely not exceed \$7500 per site, and total services will possibly be substantially less. However, should this amount be reached prior to completion of work, an estimate to complete the work will be provided to Client and further work will be suspended until Client's authorization is obtained.

SPAFFORD LANDING ROAD CULVERT

A motion to open the public hearing for the opening and discussion of bids received for replacement of a culvert on Spafford Landing Road was made at 8:12 p.m. by Supervisor Stevens, seconded by Councilor Vinzant. The motion PASSED. AYES – 5, NAYS – 0.

Supervisor Stevens explained only one bid was received. He then stated he would recuse himself from the discussion and decision regarding this bid due to the bid being from his son-in-law's company. Supervisor Stevens then asked Deputy Supervisor Vinzant to conduct the hearing.

Deputy Supervisor Vinzant asked how many bids were received. Town Clerk Valletta responded only one bid was received and that notice of the bid opening was duly posted and published in the Town's official newspaper. Deputy Supervisor Vinzant opened the bid and read it to the Board. The bid was from LakeCountry Construction & Contour, 2890 Shamrock Road, Skaneateles, NY. The bid amount was \$33,834. Deputy Supervisor Vinzant asked what the engineer's estimate was for the project. Mr. Wiers responded that it was \$50,000. Councilor Clark asked if the work would be done solely by LakeCountry Construction & Contour or if Town Highway labor or equipment was a part of the project. Town Clerk Valletta read from the bid: "Total cost with materials, labor/prevaling wages and equipment..." Councilor Fesko asked if there was a completion date for the project. Town Clerk Valletta read from the bid notice: "The Town Board has included the stipulation of a project completion date of December 31, 2007." Deputy Supervisor Vinzant asked if there were any additional questions, there were none. A motion to close the public hearing at 8:15 p.m. was made by Councilor Lieberman, seconded by Councilor Fesko. The motion PASSED. AYES- 4, NAYS – 0. (Supervisor Stevens remains recused.)

RESOLUTION 97-2007

Spafford Landing Culvert Project

On a motion by Councilor Lieberman, seconded by Councilor Fesko the following resolution was PASSED
AYES – 4 Vinzant, Fesko, Lieberman, Clark
NAYS – 0

Resolved to accept the bid from LakeCountry Construction & Contour in the amount of \$33,834 for replacement of the Spafford Landing Road culvert.

Deputy Supervisor Vinzant returned direction of the meeting to Supervisor Stevens.

PROPOSED LOCAL LAW 2007-2 (LL 2007-2)

At 8:17 p.m. a motion to open the public hearing for the discussion and review of proposed LL 2007-2 was made by Councilor Lieberman, seconded by Councilor Vinzant. This local law would amend Local Law 2007-1 with requirement of submission to the building department of an additional survey following the construction of a foundation for any structure that requires an area variance. The motion PASSED. AYES – 5, NAYS – 0. Town Clerk Valletta stated notice of the hearing was duly posted and published in the Town's official newspaper.

Town Clerk Valletta read aloud the proposal:

Local Law 2007-1 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 Officer of any change occurring

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
No.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:
No.

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly:
No.

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

Resolved the Town Board of the Town of Spafford has determined, based on the information and analysis above and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

RESOLUTION 100-2007

In The Matter Of Local Law 2007-2

A Local Law Amending Local Law 2007-1 of the Town of Spafford 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 an Area Variance

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: LOCAL LAW NO. 2007-2 of the Town of Spafford; and

WHEREAS, the Town Board of the Town of Spafford, County of Onondaga, State of New York, held a Public Hearing on the matter of the adoption of the aforesaid Local Law, and that such Public Hearing was held at the Town Hall of the Town of Spafford, located at 1984 Route 174, Skaneateles, New York, on September 13, 2007 at 7:00 p.m., and all persons in interest and citizens desiring to be heard had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Spafford hereby enacts Local Law No. 2007-2, the content of which is as follows:

Town of Spafford Local Law 2007-2:

A Local Law Amending Local Law 2007-1 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 an Area Variance

Section 1. Local Law 2007-1 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 Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer 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 aforementioned requirement regarding the submittal to the Code Enforcement Office of an as-built survey shall apply only to a structure for which an area variance was required and obtained by 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.

; and be it further

RESOLVED AND ORDERED, that said Local Law shall be in full force and effect as provided by law upon the filing of this Local Law with the Secretary of State.

PETER BECKER

Supervisor Stevens explained Mr. Peter Becker, resident of the Town of Spafford, submitted a request to address the Town Board. Supervisor Stevens invited Mr. Becker to speak.

Mr. Becker stated his concern with the use of the land at the golf course on Bockes Road, as well as the impact it may be having on Skaneateles Lake. He understands the Town of Spafford does not regulate land use beyond the high water mark; but he asked for confirmation that the zoning laws are being rewritten. Supervisor Stevens confirmed they are being rewritten, but does not know all the details regarding the changes, if there are any, to land use. Mr. Becker asked who could address his concerns regarding clarification of allowed land use. Supervisor Stevens asked Mr. Staley for guidance; Mr. Staley responded that when a concern is raised, he would review the issue with the Town Attorney. Supervisor Stevens requested Mr. Becker put his concerns in writing to allow the Board an opportunity to present them to the Town Attorney for review. Once the Board has received an interpretation from the attorney, Mr. Becker will be contacted. Mr. Staley asked if there was a group of residents concerned with the area being discussed, or if Mr. Becker was alone in his concerns. Mr. Becker explained there was a group of people concerned. Mr. Becker clarified that he is not seeking to dictate how the land is used, he is just looking to be sure the Town Board is aware of the progressing changes and the effect they are having.

Mr. Becker stated the golf course has altered the run off into the lake, causing significant damage to properties and streams. He is asking that the Town Board consider changes in the zoning to deal with future problems of a similar nature and to keep in mind existing problems.

Supervisor Stevens suggested Mr. Becker submit a letter to the Town of Spafford Zoning Board of Appeals with the request that existing problems be addressed prior to any permits being issued. Mr. Becker asked if the Town of Spafford was approached regarding the ponds or the tee-box. Mr. Staley stated no application was made to the Town; those are "in-ground" facilities, not structures.

Mrs. Libby Wing explained she had contacted the Skaneateles Lake Watershed regarding the run off and was told the change in rain pattern over the last few years may be a factor.

Mr. Becker stated water was being pumped from the lake into the ponds and asked what entity oversees that activity. Mr. Staley responded the Department of Environmental Conservation regulates that activity. Mr. Becker asked if the Town was involved at all. Mr. Staley replied the Town is not involved under the current ordinance. There was a discussion of possible regulatory agencies for the issue.

RECREATION COMMITTEE

Councilor Clark reported to the Town Board he would be attending a workshop held by the Onondaga County Office of Youth and Aging. There is no attendance fee for this workshop.

ADJOURNMENT

On a motion by Councilor Vinzant, seconded by Councilor Lieberman the meeting adjourned at 8:48 p.m. subject to the Call of the Town Clerk. Carried unanimously.

Respectfully submitted by,

Next meeting to be held
February 15, 2007 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford