

Resolved subject to approval by the Town Board of Marcellus and the Town Board of Otisco the bills in relation to the establishment of the Spafford Area Water District are to be paid in the following amounts:

Capital Fund	#67 through #77	\$ 666,640.07
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TOWN SUPERVISOR'S MONTHLY REPORT & STATEMENT

Accountant Thomas Chartrand reviewed the June 2008 Town Supervisor's Report & Statement. Interest rates are down slightly, the Justice Court fine revenues are over budget, the bulk portion of the property taxes has been received; received second half of snow and ice removal contract payment from Onondaga County; and the water district tax payment has been received from the Town of Marcellus.

Expenses are all normal; a portion of the Green Spaces grant has been spent and a large amount was paid out under SOAWD. Mr. Chartrand provided the Board with a summary of the eminent domain bills to date. Once the final bills are received, Mr. Chartrand anticipates a Bond Anticipation Note will be necessary to pay the costs.

TOWN SUPERVISOR'S MONTHLY REPORT & STATEMENT

A motion to accept the Town Supervisor's Monthly Reports & Statement as presented was made by Councilor Lieberman seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

TOWN CLERK'S REPORT

A motion to accept the Town Clerk's Cash Report as presented was made by Councilor Clark, seconded by Councilor Lieberman. The motion PASSED. AYES – 4, NAYS – 0.

CODE ENFORCEMENT OFFICER'S REPORT

Mr. Fairchild asked if the Board had any questions on the prepared report he submitted. There were none. A motion to accept the Code Enforcement Officer's Report as presented was made by Councilor Ireland, seconded by Councilor Lieberman. The motion PASSED. AYES – 4, NAYS – 0.

LAND USE TRAINING

All members of the Sub Division Board successfully completed the training. The Zoning Board of Appeals (ZBA) has two members that did not complete the training. The deadline for completion is July 12, 2008. A motion instructing the Town Clerk to send termination notices to the two non-compliant ZBA members if the deadline is not met was made by Councilor Ireland, seconded by Councilor Lieberman. The motion PASSED. AYES – 4, NAYS – 0.

The Town Clerk is further instructed to submit an advertisement for the vacant positions, if the deadline is not met.

JUSTICE COURT GRANT UPDATE

Justice Jerome Schinaman reported the cost of the bench that will be purchased under the grant will be less than anticipated; but it comes unassembled. Cost of assembly could consume a portion of the grant money. Justice Schinaman is also considering the purchase of a chair to accompany the bench.

The 2008 – 2009 grant application deadline is August 30th; \$30,000 is the maximum allowed for each court's application. There was a brief discussion of the possibilities for the grant application.

ANNUAL JUSTICE TRAINING

Justice Schinaman explained the required annual training for Town Justices is approaching. He asked for approval and reimbursement from the Town Board for attendance.

RESOLUTION 64-2008

Annual Justice Training

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

Resolved Town Justice Schinaman will be reimbursed for expenses associated with his attendance at the annual Justice training session in Potsdam.

S.O.A.W.D.

Chris Lawton, Barton & Loguidice, reported an estimated savings of \$3,300 on eminent domain costs; he anticipates an overall savings on the water main project of \$800,000. Mr. Lawton informed the Board the Environmental Protection Agency is working with Onondaga County Community Development to transfer the \$481,100. He also submitted Change Order #1 for Contract #1:

Extra Work Orders (EWO) During Daily Activities

1. Repair unmarked force main along Martisco Lakeside Road (EWO 1)	\$ 902.72
2. Repaired sewer force main parallel to water main along Davis Grove (EWO 3)	3,598.22
3. Repair/avoid multiple unmarked sewer force mains along Davis Grove (EWO 4)	5,888.64
4. Repair/avoid leach field and re-route water main (EWO 5)	2,595.27
5. Repair service along Olanco Road at Sta. G7=75 (EWO 6)	2,642.07
6. Repair three driveway culverts that were rusted out (EWO 7)	318.35
7. Time lost at tangle of underground utilities (EWO 8)	1,789.59
8. Repair perform service call on a Sunday for Sewer force main (EWO 11)	3,450.81
9. Test holes and location of OCWA water transmission main (EWO 13 & 14)	3,005.75
10. Repair water service pulled out of foundation – Olanco Road (EWO 15)	1,207.58
11. Replace stream retaining wall with concrete blocks at Sta. S32+75 (EWO 16 & 17)	<u>11,092.71</u>
SUBTOTAL	\$36,491.71

Additional Work Added to Project

12. Installation of 49 pressure reducing valves (\$225 each) for Rte 174 Water District	\$11,025.00
13. Furnish and install 48-inch OCWA tap (originally cost for OCWA to provide)	<u>24,875.00</u>
SUBTOTAL	\$35,900.00

Additionally, Mr. Lawton reported a request for a 30-day extension for Contract #3 due to the high demands currently on the steel industry. He recommended approving the extension.

RESOLUTION 65-2008

S.O.A.W.D. 30-day Extension

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

Resolved to approve a 30-day extension on S.O.A.W.D. Contract #3.

TOWN-WIDE REVALUATION

Fitts Appraisal Company provided a payment schedule to the Town Board for the remaining \$13,500 due as the revaluation is completed. It is requested payments be made beginning in August 2008 with final payment in June 2009.

PUBLIC HEARING – PROPOSED LOCAL LAW 2008-4

A motion to open a public hearing at 7:35 p.m. for discussion of proposed local law 2008-4 pertaining to Professional Services Reimbursement was made by Councilor Clark, seconded by Councilor Lieberman. The motion PASSED. AYES – 4, NAYS – 0. Said hearing was duly advertised and posted by the Town Clerk.

Supervisor Stevens provided an overview of proposed local law 2008-4; then asked if there were any questions or comments.

Barbara Randall How will you locate the appropriate professional and how would you know if he or she is the better buy.

Supervisor Stevens People are out there that offer these services. This person we found was out of Buffalo and he could do it right then. There wasn't any delay in holding up the process.

Barbara Randall In that particular instance; you used your best judgment. But what if the issue should come up again; how would you handle it? Would you use your best judgment again?

Supervisor Stevens The Town Attorney has folks they can recommend and we could pick one from that list.

Barbara Randall Okay.

Supervisor Stevens Any other questions?

There were none.

A motion to close the public hearing at 7:39 p.m. was made by Councilor Ireland, seconded by Councilor Lieberman. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 66-2008
IN THE MATTER OF LOCAL LAW 2008-4
A Local Law Pertaining to Professional Services Reimbursement

The **TOWN BOARD OF THE TOWN OF SPAFFORD**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Spafford, located at 1984 Route 174 in Skaneateles, County of Onondaga, State of New York, on the 10th day of July, 2008, at 7:00 p.m.

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2008-4, the content of which is set forth below; 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 in Skaneateles, County of Onondaga, State of New York, on the 10th day of July, 2008, 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. 2008-4, the content of which is as follows::

Town of Spafford Local Law 2008-4:
A Local Law Pertaining to Professional Services Reimbursement

1. Title.

The title of this local law shall be the "Professional Services Reimbursement Local Law."

2. Legislative findings, intent, and purpose.

The Town Board hereby finds and determines that in order to protect and safeguard the Town, its residents and their property, with respect to certain land developments within the Town, all should be designed and constructed in a competent and workmanlike manner and in conformity with all applicable governmental codes, rules and regulations and dedicated and conveyed to the Town in a legally sufficient manner. In order to assure the foregoing, it is essential that the Town have available to it all necessary professional expertise to assist in the review of plans, designs and applications and make recommendations to the Town Board, Planning Board and the Zoning Board of Appeals. The Town takes great pride in the skill and professionalism of its land use and zoning boards and review staff. However, from time to time, the boards and staff are called upon to review and evaluate matters outside the range of their training and/or expertise. These situations may require the Town to seek out skills not possessed by the Town officials but which are not required frequently enough to justify the hiring of new, specialized staff. At the same time, the cost of retaining such outside expertise should not be borne by the taxpayers of the Town, but rather by those who seek to profit from the decisions of the Town and its boards. Therefore, it is the intent of this chapter to establish a mechanism whereby the Town may utilize necessary expertise for a particular project without imposing the cost on its taxpayers.

3. Statutory authority.

This chapter is enacted under the authority of Subparagraphs (a)(12) and (d)(3) of the Municipal Home Rule Law § 10(1)(iii) and Municipal Home Rule Law § 22. To the extent that the Town Law of the State of New York does not authorize the Town Board, Town Planning Board or Zoning Board of Appeals to require the reimbursement to the Town of expenses incurred by the Town in connection with the professional review of applications for land use approvals, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event such expenses are not paid to the Town. It is the expressed intent of the Town Board to change and supersede Town Law §§ 64(17-a), 264, 265, 267, 267-a, 267-b, 274-a, 274-b, 276, 277, 278, and 280-a to empower the Town to require such payment as part of the approval process.

4. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

APPLICANT -- Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Town Board, the Planning Board or the Zoning Board of Appeals to approve a land use application.

LAND USE APPLICATION -- An application for subdivision approval, site plan approval, area variance, use variance, special permit and any additional review for those as needed to comply with the New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8, and regulations adopted pursuant thereto, and the Town Code, as amended.

5. Retention of professional services; reimbursement by applicant.

- A. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing a land use application, including, but not limited to, technical or engineering consultants or legal counsel.
- B. Except as otherwise provided in the Town Code, if, prior to the completion of a review of a land use application, the Town discovers the need to retain consultant and/or expert services, the applicant shall deposit with the Town funds sufficient to reimburse the Town for the reasonable costs of consultation and/or evaluation in connection with review of the application. The Town will maintain a separate escrow account for such funds.
- C. Upon receipt of such funds, the Town Clerk shall cause the money to be placed in an account in the name of the Town and shall keep a separate record of all money so deposited and the name of the applicant and the project for which the sums were deposited.
- D. The Town's consultants and experts shall invoice the Town for services rendered in reviewing the application. The Town shall furnish a copy of each invoice received to the applicant upon receipt of the invoice by the Town.
- E. The Town shall review and audit all invoices received and shall approve payment only of such fees as are reasonable in amount and necessarily incurred by the Town in connection with a review of a land use application. For purposes of this chapter, a fee is reasonable in amount if it bears a reasonable relationship to the average charge by such an expert to the Town or others for services performed in connection with the review of a project similar to that involved in the land use application. In this regard, the Town may take into consideration the size and type of project involved in the land use application and any special conditions or considerations as the Town may deem relevant in connection with review of the particular land use application.
- F. Contracts for the retention of experts shall be let pursuant to the purchasing policy of the Town unless the contract is one that must be competitively bid.
- G. After payment of all outstanding invoices, any funds held by the Town upon completion of a review of a land use application shall be returned to the applicant.

6. Exception.

Notwithstanding anything to the contrary contained in this chapter, an applicant or developer shall not be required to reimburse the Town for any part of a fee incurred by the Town for services performed in connection with matters, including but not limited to those resulting from complaints by third parties, as to which the Town determines the applicant had no responsibility or were beyond the reasonable control of the applicant.

7. Severability.

If any section, clause or provision of this chapter or the application thereof to any persons is adjudged invalid, the adjudication shall not effect other sections, clauses or provisions or the application thereof that can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this chapter are declared to be severable.

8. Effective date.

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

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.

RESOLUTION 67-2008

State Environmental Quality Review (SEQR)

On a motion by Councilor Clark, seconded by Councilor Lieberman the following resolution was

PASSED AYES – 4 Stevens, Lieberman, Clark, Ireland
NAYS – 0

Resolved to declare the Town of Spafford as Lead Agency for purposes of the SEQR report. Be it further resolved that proposed Local Law 2008-4 is an unlisted action under SEQRA.

IMPACT ASSESSMENT

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. No.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. No.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

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.

RESOLUTION 68-2008

Impact Assessment

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

PASSED AYES – 4 Stevens, Lieberman, Clark, Ireland
NAYS – 0

Resolved the Town Board of the Town of Spafford has determined, based on a review of the EAF and the criteria contained in 6 NYCRR Section 617.7, the proposed Local Law will not result in any significant adverse environmental impacts and therefore a negative declaration should be issued.

PUBLIC HEARING – PROPOSED LOCAL LAW 2008-5

A motion to open a public hearing at 7:50 p.m. for discussion of proposed local law 2008-5 governing the use of wind energy conversion systems in the Town of Spafford was made by Councilor Ireland, seconded by Councilor Lieberman. The motion PASSED. AYES – 4, NAYS – 0. Said hearing was duly advertised and posted by the Town Clerk.

Supervisor Stevens explained the proposed local law does not address commercial wind towers; it is for personal use structures to aid in reducing utility costs for homeowners. He further explained four applications have been received for personal use wind towers and there is nothing in the zoning ordinance to regulate or control construction of them.

The following individuals spoke during the public hearing: Sandy Weigel, Jake Sheahan, Ted Lavery, Frank Moran, Phil Tierney, Kim Brayman, Dessa Bergen, Roseanne Gay, David Sedlack, Mary Bean, Lucille Howley, Joe Cottrell, and Gianfranco Frittelli.

The majority of the comments voiced concern regarding commercial wind farms. The following points were raised in specific reference to proposed local law 2008-5:

- Concern with lack of numeric restriction on the height of the tower.
- Noise limit of 50 decibels at the property boundaries is too high.
- The use of the word substation – the word suggests commercial activity.
- Impact on scenic views.

A motion to close the public hearing at 8:35 p.m. was made by Councilor Lieberman, seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

Supervisor Stevens stated no action would be taken on the proposal until it is redrafted by the Town Attorney.

RESOLUTION 69-2008

Calling a Public Hearing for Proposed Local Law 2008-5

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

PASSED AYES – 4 Stevens, Lieberman, Clark, Ireland
NAYS – 0

Resolved to hold a public hearing on Thursday, August 14, 2008 at 7:00 p.m. for review and discussion of proposed local law 2008-5 governing the use of wind energy conversion systems in the Town of Spafford.

DAVE HULL ROAD

Councilor Clark informed the Board that he contacted New York State Dept. of Transportation regarding the conveyance of a portion of State Route 41 to the Town of Spafford when a new section was built. He has not yet received a response. The information is being sought to aid in consideration of a potential development on Dave Hull Road.

ELECTRICAL SERVICE AT SPAFFORD 4 CORNERS

An estimate was received for installation of electrical service to the site of the Spafford Union Meeting House Steeple Bell and flag. Councilor Clark requested action on the estimate be tabled until the August meeting to allow for amendments to the estimate.

USED OIL TANKS

A motion to accept the quote for installation of containment around two used oil tanks, one at the Transfer Station, one at the Highway Garage was made by Councilor Clark, seconded by Councilor Ireland. The motion PASSED. AYES – 4, NAYS – 0.

COLLARD ROAD

Supervisor Stevens recognized William Parfitt, who requested permission to address the Board regarding the run off from Collard Road. Mr. Parfitt explained he has contacted Onondaga County Soil & Water, they are preparing a report. He also contacted Onondaga County Health Department and City of Syracuse Water Authority for input; they will submit letters. Mr. Parfitt stated he has an engineer available if he is needed. Mr. Parfitt expects to have the information from the various agencies in time for the August Town Board meeting.

WIND TOWERS

There was a brief discussion of other areas in the state that have windmills and regulations for windmills.

ADJOURNMENT

On a motion by Councilor Ireland, seconded by Councilor Lieberman the meeting adjourned at p.m. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
August 14, 2008 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford