

The Town Board of the Town of Spafford assembled at the Spafford Town Hall, 1984 Route 174, Skaneateles, New York with Supervisor Webb A. Stevens presiding and the following Board members present: Councilor Rick Fesko, Councilor Ken Lieberman, Councilor Merrill Clark and Councilor Jeff Ireland.

The following Town Officers were present: Town Clerk Lisa Valletta, Highway Superintendent Carl Wiers, and Code Enforcement Officer Kim Fairchild. Town Attorney Matt Kerwin was present. Supervisor Stevens called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

PROPOSED LOCAL LAW 2010-1

Mr. Kerwin provided information on the process of presenting the local law for the Town. The Town of Spafford was set as lead agent for SEQRA on September 24, 2009. The negative declaration for SEQRA was found and accepted on November 19, 2009. The public hearing was opened on November 19, 2009, carried over and then closed December 10, 2009.

RESOLUTION 10-2010

Adoption of Local Law 2010-1

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2010-1 (formerly proposed Local Law 2009-2), 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 informational session regarding the proposed amendment of the Zoning Code, and that such information session 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 2nd day of September, 2009, at 7:00 p.m.; and

WHEREAS, on September 24, 2009, the Town Board adopted a resolution classifying Local Law 2010-1 as a Type 1 action and declaring its intention to act as lead agency for the coordinated environmental review of Local Law 2010-1 pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”); and

WHEREAS, on November 19, 2009, the Town Board, acting as lead agency for the purpose of conducting a coordinated environmental review of the proposed adoption of Local Law 2010-1 under SEQRA, issued a negative declaration and determined that the proposed Local Law will not have a significant adverse impact on the environment; and

WHEREAS, following the issuance by the Town Board of the aforementioned negative declaration pursuant to SEQRA, the Town Board 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 on the 19th day of November, 2009, at 7:00 p.m., and was continued on the 10th day of December, 2009, 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. 2010-1, the content of which is as follows:

Town of Spafford Local Law 2010-1:

A Local Law Amending the Town of Spafford Zoning Code

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

Section 1. Title

The title of this local law shall be: "A Local Law Amending the Town of Spafford Zoning Code".

Section 2. Legislative findings, intent, and purpose

The Town Board hereby finds and determines that the current zoning regulations as embodied in the Town of Spafford Zoning Ordinance require modification and supplementation. In addition, the current zoning district bulk use and dimensional requirements require some modification is needed in that regard. The purpose of this Local Law is to more effectively address current and potential future land uses within the Town so as to promote the health, safety, and general welfare of the community and protect, preserve and enhance the scenic qualities and rural character of the Town. To that end, this Local Law is intended to prevent the overcrowding of land and the undue concentration of population, as well as to support the retention of viable tracts of farmland, the preservation of agricultural land uses and businesses in the Town and Onondaga County. Further, the Law is meant to protect and maintain the integrity of waterfront areas within the Town, which are enjoyed by the Town's permanent and seasonal residents alike and which areas contribute to the unique and scenic nature of the Town, as well as to promote smart and controlled growth while striking a balance between the interests of property owners and the community as a whole.

Section 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)(ii) 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 Town Zoning Board of Appeals to handle applications or conduct procedures in the manner set forth within the Zoning Code Amendment, it is the expressed intent of the Town Board to change and supersede such statutes. It is the expressed intent of the Town Board to change and supersede Town Law §§ 264, 265, 267, 267-a, 267-b, 274-a, 274-b, and 280-a to empower the Town to provide its own specific procedures for its boards to handle applications and conduct procedures.

Section 4. Intent to Amend Existing Zoning Code

This Local Law No. 2010-1 is intended to amend the existing Town of Spafford Zoning Code.

Section 5. Body of Local Law

The body of Local Law No. 2010-1 is attached hereto in its entirety as Exhibit "A".

Section 6. 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.

Section 7. Effective date

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

LISA VALLETTA
Town Clerk of the Town of Spafford
Onondaga County, New York

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.

Councilor Ireland suggested the law be reviewed in one year to determine if adjustments are needed.

The necessary documents for filing local laws will be sent to the Secretary of State by Mr. Kerwin.

Councilor Ireland left the meeting for medical reasons.

RESOLUTION 11-2010

SOAWD Change Order

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

PASSED

AYES – 4 – Stevens, Fesko, Lieberman, Clark

NAYS – 0

Resolved to approve the change order for SOAWD billing.

SOAWD DRAINAGE ISSUE

A property at Syratisco, in the Town of Otisco, has a drainage issue that did not exist prior to installation of the water line. Mr. Trendowski, project closure engineer, estimates the cost to correct the problem will be \$5,000. The Town of Otisco advocates for hiring someone for the work. The Town of Spafford is lead agency for SOAWD and is concerned that the job should be put out for bid. Supervisor Stevens will investigate the requirements that determine if the job needs to be put out for bid.

RESOLUTION 12-2010

Undertaking in Connection with NYS DOT Highway Work Permits

WHEREAS, the undersigned Town of Spafford from time to time receives permits from the Department of Transportation of the State of New York, (hereinafter referred to as the "Department") allowing Town of Spafford Highway Department to temporarily obstruct, install, construct, maintain, operate or replace any facilities within the bounds of a State highway right-of-way pursuant to Sections 52, 103, 203, 249, and/or 250 of the Highway Law; and

WHEREAS, the Department requires that the municipality file an undertaking to secure the Town of Spafford Highway Department's faithful performance within the terms of any such permit and also to indemnify the State of New York (hereinafter referred to as the "State") and others with respect to all operations under such permits by the Town of Spafford.

NOW THEREFORE, the Town of Spafford hereby undertakes, to and with the State and the Department, that:

1. The Town of Spafford will well, truly and faithfully comply with and perform all the terms and conditions of each such permit on its part to be kept and performed, and abide by and comply with all such conditions, rules and regulations as may be, from time to time, promulgated by the Commissioner of Transportation of the State of New York (hereinafter referred to as the "Commissioner"), according to the true intent and meaning of such permits, rules and regulations.
2. Town of Spafford will, at its own expense, promptly complete the work allowed under each permit and within a reasonable time restore State property damaged by its work to substantially the same or equivalent condition as existed before such work was begun; and in the event that the Town of Spafford fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Municipality, may restore the property to substantially the same or equivalent condition as existed before the Municipality began the work and require the Municipality to reimburse the State for any and all costs incurred by the State in such restoration;
3. The Town of Spafford will indemnify, hold harmless and defend and protect the State of New

will view the area again in the spring.

- Councilor Lieberman informed the Board that earmark funds may be applied for through Congressman Maffei's office. These funds can be used for roadwork. More than one request may be entered, each to be for a specific project. The Town of Spafford could request funding for the culvert replacement on Spafford Landing Road. Mr. Wiers suggested submitting a request for bridgework on Church Road. Councilor Fesko will prepare and submit the requests.
- According to Verizon the FIOS coverage was accidentally extended into the Town of Spafford. Verizon does not want to sign a franchise agreement with the Town of Spafford; such an agreement would force Verizon to expand further into the Town.

EXECUTIVE SESSION

A motion to enter executive session at 7:33 p.m. was made by Councilor Fesko, seconded by Councilor Lieberman. The motion PASSED. AYES - 4, NAYS - 0. The purpose of the executive session was for discussion of Daniel Barrows medical status and the union negotiations.

A motion to exit executive session was made at 8:19 p.m. by Councilor Fesko, seconded by Councilor Lieberman. The motion PASSED. AYES - 4, NAYS - 0.

ADJOURNMENT

A motion to adjourn the meeting at 8:20 p.m. was made by Councilor Lieberman, seconded by Councilor Clark. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
Thursday, February 11 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford