

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

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

HIGHWAY SUPERINTENDENT’S REPORT

- NoCo Energy Corporation now has the State Bid contract for truck fuel.
- One mile of Becker Road has been paved; it will be sealed in two weeks.
- CHIPS funds will be coming this year.

A motion to accept the Report was made by Councilor Ireland, seconded by Councilor Fesko. The motion PASSED. AYES - 3, NAYS - 0.

MINUTES

A motion to accept the minutes of the May 13, 2010 and May 27, 2010 Town Board meetings as submitted was made by Councilor Fesko, seconded by Councilor Ireland. The motion PASSED. AYES - 3, NAYS - 0.

RESOLUTION 45-2010

Audit of Claims

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

AYES – 4	Fesko, Lieberman, Clark, Ireland
NAYS – 0	

Resolved approve payment of the bills General Fund and Highway Fund bills on Abstract #6, (audited abstract totals to be included in July 2010 minutes).

RESOLUTION 46-2010

Water District Expenses

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

AYES – 3	Fesko, Lieberman, Ireland
NAYS – 0	

Resolved subject to approval by the Town Board of Marcellus and the Town Board of Otisco the bills on Abstract #6 in relation to the Spafford Area Water District are to be paid, (audited abstract total to be included in July 2010 minutes).

ABSTRACT #5 - MAY 13, 2010

Audited bills for Abstract # 8 were as follows:

General Fund	vouchers 161 – 190	\$22,867.20
Highway Fund	vouchers 56 – 74	\$39,177.37
	(Highway Fund includes Machinery & Snow bills when applicable).	
Capital Fund	vouchers 7 – 9	\$1,526.96

TOWN SUPERVISOR’S MONTHLY REPORT & STATEMENT

Town Supervisor’s Monthly Report and Statement of Receipts and Payments for May 2010 was read by Accountant Thomas Chartrand and filed. A motion to accept the Town Supervisor’s Monthly Reports & Statement as presented was made by Councilor Fesko, seconded by Councilor Ireland. The motion PASSED. AYES - 3, NAYS - 0.

NYS RETIREMENT

Mr. Chartrand reported on the two new retirement incentives being offered by NYS Retirement System. At this time, these incentives are not applicable for the Town of Spafford employees in the NYS Retirement System.

Additionally, a new law has been passed requiring documentation of hours worked and or activity for all elected and appointed officials in the NYS Retirement System.

RESOLUTION 47-2010

May 2010 Bank Reconciliation

On a motion by Councilor Ireland, seconded by Councilor Fesko the following resolution was PASSED  
AYES – 3 Fesko, Lieberman, Ireland  
NAYS – 0

Resolved to find a positive audit of the May 2010 bank statements presented by Mr. Chartrand.

TOWN CLERK’S REPORT

Town Clerk’s Report and Statement of Receipts and Payments for May 2010 was read. A motion to accept the Report as presented was made by Councilor Fesko seconded by Councilor Ireland. The motion PASSED. AYES - 3, NAYS - 0.

BUILDING FEE SCHEDULE

The current Building Fee Schedule was adopted in March 2007. When the Zoning Code was amended at the beginning of this year, updating of the schedule was overlooked. The Town Board will review the schedule and address changes at the July meeting.

RESOLUTION 48-2010

Marriage Officer

On a motion by Councilor Ireland, seconded by Councilor Fesko the following resolution was PASSED  
AYES – 3 Fesko, Lieberman, Ireland  
NAYS – 0

Resolved to appoint Lisa Valletta as the Town of Spafford Marriage Officer effective immediately; term to expire January 15, 2014.

CODE ENFORCEMENT OFFICER’S REPORT

Code Enforcement Officer’s Report for was read.

- 13 permits were issued; two were renewals; two were demolition permits.
- Six cases were in front of the Zoning Board of Appeals.’
- Three court tickets were issued.
- Two Stop Work Orders were issued.
- The Outdoor Wood Boiler at 1851 East Lake Road has been removed.
- The former Footprints on the Lake restaurant has new owners.

- Five zoning complaints were received.
- NYS DEC has taken on the role of lead agent regarding the pond across from the c. 1820 House restaurant on East Lake Road.

A motion to accept the Code Enforcement Officer’s report was made by Councilor Fesko, seconded by Councilor Ireland. The motion PASSED. AYES - 3, NAYS - 0.

TASE PROPERTY

The Skaneateles Watershed has completed their phase of the drainage project on Bacon Hill Road which crosses the Tase property. The Town of Spafford will use CHIPS funds to complete the work.

FLOOD PLAIN MAPS

Deputy Supervisor Lieberman attended an informational meeting in Syracuse for the new FEMA Flood Plain Maps. The new maps add fifteen Town of Spafford properties; seventy-seven properties were removed. The maps are available in the Town offices for review. FEMA will send notices to the affected property owners, but not until after the comment period. Deputy Supervisor Lieberman asked if the notices could be sent earlier and was told they would not. Property owners are responsible for submitting challenges to the new maps directly to FEMA.

Additionally, Deputy Supervisor Lieberman learned if affected property owners purchased the flood insurance prior to adoption of the maps, the cost would be about \$350.00. If the insurance is purchased after adoption of the maps, the cost will be about \$750.00.

PUBLIC COMMENTS

Deputy Supervisor Lieberman reported Supervisor Stevens is talking with a town resident and the Spafford Fire Commissioners in an effort to have them purchase the property at 2501 Nunnery Road. The town resident would then donate their interest in the property to the Spafford Fire Commissioners; making the property wholly owned by the Commissioners. Members of the public in attendance offered comments on the condition of the property; their dissatisfaction with the length of time the property has been in disrepair and insisted the Board take immediate action. Deputy Supervisor Lieberman encouraged the public to allow time for the negotiations. He added that should the purchase of the property not occur; the Town Board would pursue action under Town of Spafford Zoning Code Section 7-19, Unsafe Buildings.

PUBLIC HEARING

A motion to open the public hearing at 8:15 p.m. for proposed Local Law 2010-2 was made by Councilor Fesko, seconded by Councilor Ireland. The motion PASSED. AYES-3, NAYS - 0. There were no comments from the public.

A motion to close the public hearing at 8:19 p.m. was made by Councilor Ireland, seconded by Councilor Fesko. The motion PASSED. AYES-3, NAYS -0.

RESOLUTION 49-2010

State Environmental Quality Review (SEQR)

On a motion by Councilor Ireland seconded by Councilor Fesko the following resolution was PASSED

AYES – 3	Fesko, Lieberman, 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 2010-2 is an unlisted action under SEQRA. Be it yet further 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.

RESOLUTION 50-2010

**Local Law 2010-2 Real Property Exemption for Cold War Veterans**

On a motion by Councilor Fesko, seconded by Councilor Ireland the following resolution was  
PASSED AYES – 3 Fesko, Lieberman, Ireland  
NAYS – 0

WHEREAS, a Local Law had been introduced before the Board, to wit: Local Law No. 2010-2, the content of which is as follows:

**Town of Spafford Local Law 2010-2:**

**A LOCAL LAW PROVIDING FOR AN EXEMPTION FROM REAL PROPERTY TAXES  
FOR COLD WAR VETERANS AS AUTHORIZED BY SECTION 458-b  
OF NEW YORK REAL PROPERTY TAX LAW**

Be it enacted by the Town Of Spafford as follows:

Section 1. Purpose. The purpose of this local law is to provide for a real property tax exemption from real property taxes for Cold War veterans, pursuant to New York Real Property Tax Law Section 458-b.

Section 2. Definitions.

- a. "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945 to December 26, 1991, and was discharged or released therefrom under honorable conditions.
- b. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force and Coast Guard.
- c. "Active duty" means full-time duty in the United States armed forces, other than active duty for training.
- d. "Service connected" means, with respect to a disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.
- e. "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.
- f. "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but if used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this local law. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving

spouse of a Cold War veteran unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

- g. "Latest state equalization rate" means the latest final state equalization rate or special equalization rate established by the State Board of Real Property Services pursuant to Article 12 of the Real Property Tax Law.

Section 3. Amount of Exemption. Pursuant to Section 458-b of the New York State Real Property Tax Law, the maximum Cold War veteran's exemption from real property taxes is established as follows:

- a. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed thirty-six thousand dollars (\$36,000) or the product of thirty-six thousand dollars (\$36,000) multiplied by the latest state equalization rate of the assessing unit, whichever is less.
- b. In addition to the exemption provided by subparagraph (a) of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed one hundred twenty thousand dollars (\$120,000), or the product of one hundred twenty thousand dollars (\$120,000) multiplied by the latest state equalization rate for the assessing unit, whichever is less.

Section 4. Limitations.

- a. The exemption from taxation provided by this local law shall not be applicable to real property taxes levied or relieved for school purposes.
- b. If the Cold War veteran receives the exemption pursuant to Section 458 of the Real Property Tax Law or Section 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this local law.
- c. The exemption provided by subparagraph (a) of section 3 of this local law shall be granted for a period of ten years. The commencement of such ten year period being governed pursuant to this subparagraph. Where a qualified owner owns qualifying residential real property on the effective date of this local law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this local law. Where a qualified owner does not own qualifying residential real property on the effective date of this local law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to subparagraph (a) of section 3 of this local law for the unexpired portion of this 10 year exemption period.
- d. Application for the exemption shall be made by the owners, or all of the owners, of the property on a form prescribed by the State Board of Real Property Services. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate

taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to penalties prescribed by the Penal Law.

- e. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this section, were such person or persons the owner or owners of such real property.
- f. (1) For the purposes of this section, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.  
(2) Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.  
(3) Notwithstanding paragraph (2) of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.  
(4) Notwithstanding paragraph (2) of this subdivision, real property owned by a cooperative corporation may be exempt from taxation pursuant to this section by a municipality in which such property is located only if the governing body of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.

Section 5. Severability. If any clause, sentence, paragraph, subdivision or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date. This local law shall take effect upon filing pursuant to the provisions of the New York Municipal Home Rule Law.

**NOW, THEREFORE, BE IT 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 51-2010

**Borodino Cemetery Stump Removal**

On a motion by Councilor Ireland, seconded by Councilor Fesko the following resolution was PASSED  
AYES – 3 Fesko, Lieberman, Ireland  
NAYS – 0

Resolved to pay Chris Adams, TopNotch Tree Service, \$25.00 to grind a stump in Borodino Cemetery.

**ADJOURNMENT**

A motion to adjourn the meeting at 8:35 p.m. was made by Councilor Ireland, seconded by Councilor Fesko. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held  
Thursday, July 8, 2010 @ 7 p.m.  
@ Spafford Town Hall

Lisa M. Valletta  
Town Clerk  
Town of Spafford