

Minutes of the Town Board Meeting held by the LaFayette Town Board on August 23, 2004 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Gregory Scammell, Supervisor  
Sandra Smith, Councilwoman  
David Knapp, Councilman  
Thomas Bailey, Councilman  
William McConnell, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Kevin Gilligan, Town Attorney  
Leon Cook, Highway Superintendent  
Mary Doster, Assessor Chair.  
Marshall Taylor, Assessor/Clerk  
Tom Chartrand, Bookkeeper  
Jon Rogers, D.C.O.  
Sue Snavlin, Dep. D.C.O.  
Capt. Bronstad, Onon. Sheriff's Dept.  
Norman Paul, Dep. Supervisor  
Regina Reinschmidt, Rec. Coord.  
Amelia Kinzie  
Mr. & Mrs. Felicia  
Mr. & Mrs. Groth  
Anna McConnell  
Steve Meier, Everingham Rd.  
Patti Amidon  
Heidi Smith  
Mr. & Mrs. Dodge

1. Supervisor Scammell called the meeting to order at 6:34 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to the U. S. Flag led by Town Councilor Dave Knapp.
4. **Councilmen Knapp moved and McConnell seconded the motion to accept the July 26, 2004, Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **Active Duty Service Personnel Roster – Dedication.**

Supervisor Scammell said the first thing the Board would like to do tonight is to adjourn to the lobby and dedicate the "We Salute You" Board.

Everyone adjourned to the lobby where Councilmen McConnell and Knapp said a few words about the service men and women on the Board. They thanked the Skeval's for donating the Board and Anna McConnell for all her work in preparing the pictures and bios of the service men and women as well as the sign above the Board.

6. **COMMUNICATIONS:**

A. **Residents.**

• **Mr. James T. Moore: Animal Control Officer inquiry & resume.**

Supervisor Scammell said the Board is in receipt of a resume from James Moore dated 8/12/2004 inquiring for a position as Animal Control Officer. The resume includes personal information, qualifications recommendations and references.

B. **Onondaga County Legislature: 8.3.04 agenda.**

C. **NYS Office of Real Property Services: Final State Equalization Rate – 100%.**

"...a final State equalization rate of 100.00.."

Supervisor Scammell thanked the Assessors for keeping the Town of LaFayette at 100 %.

D. **Time Warner Cable: MSG/Fox Sports NY Programming Affiliate Agreements.**

"I'm writing to inform you of a disagreement between Time Warner Cable and affiliates of Cablevision which may result in the discontinuance of carriage of Cablevision's Fox Sports New York and the MSG Network on Time Warner's cable system in your community. Our agreement for carriage of these Cablevision services expires on Saturday, July 31, 2004 and there is, as yet, no agreement on the terms of carriage after that date..."

Kevin Gilligan advised it's back on.

E. **Association of Towns of NYS: 2005 membership dues.**

"...A town's dues are based upon its 'total revenues' (excluding one-time federal and state grants and enterprise finds)...Applying the formula, which is reproduced and enclosed with this letter, your Town's dues for the year 2005 will be \$800..."

F. **Pitney Bowes: Maintenance agreement for service and repairs.**

"We are writing to inform you that pursuant t the terms of your current service maintenance agreement for service and repairs of your Pitney Bowes equipment,

the agreement will automatically renew for an additional one year term effective 07/31/2004..."

**G. Onondaga County Division of Finance: Certificate of Self-Funded Liability.**

"Certificate of Self-Funded Liability. This letter certifies that the County of Onondaga is an authorized Self-Insured Municipality for General Liability, Property Damage, and Workers' Compensation pursuant to the Laws of the State of New York..."

**H. Onondaga County Legislature: Resolution 163-2004 "Amending Resolution 201-2000 Regarding the Imposition & Disposition of Sales and Compensating Use Tax..."**

"Enclosed please find a certified copy of Resolution No. 163-2004, adopted by the Onondaga County Legislature on July 15, 2004, entitled "Amending Resolution No. 201-2000 Regarding the Imposition and Disposition of Sales and Compensating Use Tax Pursuant to Tax Law Articles 28 and 29 to Authorize the Amendment of the Sales Tax Distribution Formula..."

Kevin Gilligan said he read this and called Deborah Fichera. He thinks this resolution is now mute. She agreed with him but told him he should talk to the county attorney's office. He will call them on Monday as the person he needs to speak to is out of town now.

**I. LaFayette Fire Department: 2005 contract negotiation.**

"Please be informed that the LaFayette Fire Department, Inc. would like to negotiate the 2005 contract with the Town Board of LaFayette."

**J. Onondaga County Department of Health: Satisfactory test on water supply.**

"The enclosed laboratory report indicates that the water supply for the above mentioned facility was of a satisfactory sanitary quality at the time of sampling..."

Councilman Knapp asked if this is just for the concession stand.

Regina Reinschmidt said yes because that is the only place food is served.

**K. CNYRPDB: Phase II Update.**

**L. Association of Towns of NYS: Budget issue.**

"I am writing to request your immediate action on a State budget issue which will affect most town budgets, many significantly. Regrettably, despite assurances to the contrary that we and you may have received, the Legislature passed budget legislation last night which includes language which will adversely affect the return of significant fee revenue to towns. This revenue results from justice court adjudication of certain violations (most often, speeding) of the Vehicle and Traffic Law....This would shift more than \$12.5 million in fine monies to the State - monies which have historically been returned to local government by the Justice Court Fund as a result of the justice court adjudication process. This shift can only result in increased real

property taxes all across the State as local governments scramble mid-year to plug this substantial shortfall..."

Supervisor Scammell noted this was passed by both houses of the legislature on 8/11/04.

Councilman Knapp said he was listening to information about this last week. He called Assemblyman Jeff Brown who looked into it and confirmed it was in the budget but the wording of it was that the state will share the fines with the local municipalities. He asked what the state's definition of sharing was. Assemblyman Brown said their definition of sharing is they get all the fine money and the municipality gets the \$15 handling fee. Councilman Knapp then talked to Supervisor DeMoor who is head of the supervisors in Onondaga County. Supervisor DeMoor will be discussing this with the supervisor's at their next meeting. Councilman Knapp spoke to the Justice Dept. who did a quick look at their records and advised this could impact our town by \$40,000 to \$50,000 starting next year.

Supervisor Scammell asked what the budget line is for this now.

Tom Chartrand said about \$100,000.

Councilman Knapp said it could almost cut this amount in half.

Supervisor Scammell wondered if we will now this before the budget work sessions.

Councilman Knapp believes it's done but we need a firmer number from the state. He's pretty sure it was passed as part of the state budget.

Sue Snavlin asked if it is for all fines.

Councilman Knapp said predominantly motor vehicle's.

Steve Meier asked who determines the amount of the fines. Is it the town or state?

Councilman Knapp said both.

Councilman Bailey said there is a set fee range and the judge can set the fee.

Councilman Knapp said the D.A.'s Office can come out and reduce a moving violation to a non-moving violation and the fee is reduced.

#### **M. Other.**

Supervisor Scammell said he received the following letter from Roy Dodge.

"Town Historian Anne Smith and I have created an exhibit of over fifty historic photographs entitled "Jamesville's LaFayette". It is being shown until September 30<sup>th</sup> in the Jamesville Historical museum (former St. Mark's Church) corner of Seneca Tpk. And Apulia Rd. in Jamesville. The museum is open each Sunday afternoon from 1:00 to 4:00 and we urge you to stop by and take a look.

The exhibit bears the subtitle, "Sponsored by the Town Board of the Town of LaFayette - Anne Smith - Town Historian". This is to call attention to your financial support in providing the funding for the identification, reproduction and enlargement of the photographs. They have been collected over the course of forty years by me and many have never been seen in a public viewing before.

We appreciate your continued support as the collection is ever growing. Many of the photographs gathered thirty to forty years ago are now irretrievably lost had they not been copied at the time. So we thank you for your support".

Steve Meier was present to discuss his application before the Zoning Board of Appeals for a animal crematorium. He said he went before the Zoning Board of Appeals and there was discussion from Steve Beggs that they need to talk to the Town Board regarding their interpretation of the meaning of the 500' from the residential property line regarding animal crematoriums. The issue right now is that it must be determined whether they grant him the appeal to place the crematorium on his property closer than the 500' from the property line. He has already advised that the closes residence would be 500' from the proposed building. Where the building will be in respect to the Onondaga Nation border there is a gravel bed which will never be used as a residential site. The one question the Zoning Board of Appeals had was in terms of what recommendation was coming from the Town Board. It seems to him that the Zoning Board of Appeals has the right to look at the regulations drawn up and decide whether the applicant can have an exemption from them. It seems to be going back and forth between the Zoning Board of Appeals and the Town Board. He doesn't know quite where he stands at this point. He is on the agenda for the next Zoning Board of Appeals Meeting which will be a public hearing. The Zoning Board of Appeals is looking for clarification from the Town Board as to what it's interpretation is in respect to the 500'. His understanding is the uniqueness of this property bordering the Onondaga Nation and them not responding when they were notified that he would be allowed to have the appeal granted.

Supervisor Scammell asked Kevin Gilligan for his recommendation.

Kevin Gilligan said at this point , it's the Zoning Board of Appeals decision. The concept was that while the Board was willing to consider putting this into a residential zone, it wanted to have enough separation between it and the neighboring users. The Onondaga Nation was sent notification regarding the amendment to the Zoning Ordinance. He thinks Mr. Meier was here and informed this Board about the gravel bed across the road being used as commercial property. There is no technically zoned property on the Nation. This would mean you have to go 500' from the residence.

Supervisor Scammell asked the distance to the nearest residence on the Onondaga Nation.

Steve Meier said the building would be 500' from the closest residence on the Onondaga Nation. Mr. bucktooth would be 800-900' away.

Councilman Knapp said his recollection is the Board put this resolution in place and wanted to keep it restrictive enough and would have very specific guidelines where crematoriums could be put. At the end of the discussion, Mr. Meier mentioned his building would be closer than 500' to the quarry. He believes the Board felt the quarry would be commercial and that it would be a good place to put a crematorium in the town.

Steve Meier believes the Zoning Board of Appeals is looking for a recommendation from the Town Board.

Councilman McConnell believes the Zoning Board of Appeals is looking for the Town Board's intention.

Supervisor Scammell asked how it's worded.

Kevin Gilligan said the nearest resident property line. He doesn't know if they have property lines on the Onondaga Nation. He believes the Board would have to look at the gravel bed and check on its distance. He would recommend letting the nearest residents on the Nation know about this.

Steve Meier said there are two trailers there and he hasn't spoken to them at all.

Supervisor Scammell asked if he would be 500' from their property lines.

Steve Meier said he doesn't know where their property lines are but he would be 500' from their trailers.

Councilman Bailey said seeing the uniqueness of the site bordering the Onondaga Nation and the site of the gravel bed, he doesn't think a crematorium going in this location under the current ordinance with respect to zoning would show a negative impact.

Steve Meier said the Zoning Board of Appeals is looking for an interpretation regarding the language relating to the property line. They were looking to see if the Onondaga Nation boundary would be considered their property line. He would like something in writing to Steve Beggs from the Town Board stating the intent of the Board.

Kevin Gilligan said it doesn't become residential just because it is the Onondaga Nation. You should actually be looking for residential uses on the Nation.

Councilman McConnell believes another key issue is recognizing there are no zoning restrictions on the Onondaga Nation.

Supervisor Scammell said the only two ways he thinks the Board can interpret a residential property line is with zoning or a property with a residence on it.

Kevin Gilligan said that is correct. Because the Nation borders this property, they should be looking for residential use. The Zoning Board of Appeals does have the ability to vary the 500' by granting a variance.

Councilwoman Smith clarified the letter from the Town Board to the Zoning Board of Appeals will explain the intent of the Town Board and not advise how the Zoning Board of Appeals should decide this application.

Kevin Gilligan said the town does have a duty to protect the Onondaga Nation as well.

**Councilmen Knapp moved and Bailey seconded the motion authorizing Kevin Gilligan to draft a letter from the Town Board to the Zoning Board of Appeals stating their intent. Motion passed unanimously.**

**7. SPECIAL REPORT: Reappraisal of town properties, pros and cons. Mary Doster.**

Mary submitted a handout to the Board.

Supervisor Scammell noted her input of the following pros and cons of a reval.

- Due to the rising sales we have been getting the Equalization is rapidly falling. This causes us to pay more in County and School taxes.
- When a house sells for 315,000 dollars and is assessed at 190,000 we cannot raise the new owner up to the sale price as it would be a Welcome Stranger. There is a law against that. An update would take into consideration all sale prices for the past two years in setting up a model.
- If our Equalization rate drops so does the amount of exemption drop. Example: Senior Citizen, Agriculture and Veterans.
- When the Equalization drops the state sets the amount that we are off. Tax bills will have our value and the state will put on the bills a higher value. This confuses our residents. They think we have raised their value.
- Inflation has been the biggest reason for the roll becoming unequal.
- The State will reimburse the Town \$5.00 a parcel for an update. We have \$10,000 saved toward a revaluation if this year had \$5,000 it would give us \$15,000 toward it.

Con:

- Cost factor.
- Some residents may be upset because they do not realize how their property has increased in value.

Mary Doster said she and Marshall Taylor looked into this today and they figure based on the parcels on the roll in regard to the \$5/parcel reimbursement, right now the amount from the state to come back to the town would be about \$11,000.

Supervisor Scammell said so the cost of a reval would be \$19,000 after the reimbursement of \$11,000.

Tom Chartrand said there is \$5,000 in the fund now and \$5,000 more will go into the fund at the end of the year. There isn't \$10,000 in the fund yet.

Supervisor Scammell said while some areas are rising, other areas are not. Without reassessments, things get out of line.

Councilman McConnell said the last assessment was 2-3 years ago. At that time, the discrepancy didn't occur in 1 year.

Mary Doster said the reval was done in 2003.

Councilman McConnell said the increase from \$190,000 to the sale price of \$315,000 happened in this time period. Is it based on supply and demand?

Mary Doster said supply and demand plays a role in it. Usually about 1/3 of the parcels go up, 1/3 stay the same and 1/3 go down.

Councilman Knapp asked what other towns do.

Tom Chartrand said Fabius and Pompey are in the middle of a reval and they did one 3 years ago. Tully just finished theirs. Spafford just finished one last year and did one 4 years before that.

Councilman McConnell asked when the recommended time-frame is to do another one.

Mary Doster said the state would like one done every year. We don't have enough housing developments to do one every year. For us the ideal time would be every 3 years.

Councilman Knapp said we will be looking at 2006 then.

Marshall Taylor said they are saying they would do this next year for 2006. It would run from October 2005 to May 2006. It must be put in the budget for next year as they would start working on it then.

Supervisor Scammell asked if this would include all the properties.

Mary Doster said yes. It's just that the residential properties are more unequal now.

Councilman Knapp asked if they ever do it just for residential and not commercial.

Mary Doster said no, not really.

Supervisor Scammell asked how long it takes them to do a town the size of LaFayette.

Mary Doster said Larry Fitts goes out and does each parcel.

Marshall Taylor said it took him from sometime in October until sometime n February to be just about done. Most of the time one of the assessor's is with him.

Councilman Knapp asked if photographing the properties helped.

Mary Doster and Marshall Taylor said yes.

Marshall Taylor said you don't need to do that this time. It was good before as the total town hadn't been done in years.

**8. REPORTS:**

**A. DEPARTMENTAL (4<sup>th</sup> Monday).**

**1) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.**

- **Junk vehicle status.**
  - (a) **Prioritized spreadsheet listing.**
  - (b) **Route 91.**
  - (c) **LaFayette Road, 1/2mile North of Route 20. Abandoned**
- **Other violations.**
  - (a) **Apulia Road: Other trailer. Need property owner's**

autos

on east side.

information.

**2) Dog Control: Jon Rogers, Sue Snavlin & Madeline Despres.**

- **Impoundment fees & collections.**
- **Letter to NYS Dept of State, re: collections.**

Sue Snavlin said it's been very quiet as far as dogs go. She is not positive but she foresees a shelter problem if the number of dogs keeps going up. We really

need to maybe look into an option for a backup shelter. She was hoping the people building the kennel in LaFayette would possibly be interested.

Supervisor Scammell asked what happens when the shelter gets full.

Sue Snavlin said we are in trouble as they tell us not to bring any more dogs in. She has set up two kennels at her house to keep a couple of dogs overnight if she needs to.

Supervisor Scammell asked if there was any interest at Lake Country to expand their kennels.

Sue Snavlin said they just added two operating rooms and have businesses on both sides of them now. She would like to recommend upping our fee to \$12/day rather than \$10/day for boarding.

Jon Rogers said historically fall is the busiest time.

Supervisor Scammell asked Kevin Gilligan if the town were to establish a kennel/pound, is it something the town could operate or must it be run privately?

Kevin Gilligan believes some towns have them as temporary shelters.

Capt. Bronstad said the Town of Onondaga has one at the Highway Dept.

Sue Snavlin said she mentioned this one night and Mr. Lamson said it wouldn't be possible. She spoke to Mr. Clark who offered her a piece of property on Tully Farms Rd. and if she can get some grant money, she might be able to work it out so she can house the dogs there. It's in the Town of Tully.

Supervisor Scammell believes the Highway Dept. is in the middle of a residential area so it wouldn't be very favorable there to house dogs. He asked her where she would look for grants.

Sue Snavlin said she had an interesting discussion with Senator Hoffman. There's a lot of grants available. She doesn't think it would take much.

Supervisor Scammell asked if hearts of Stray is a 5013C.

Sue Snavlin said no. If there is potential for money, it would be worth putting up \$1,000 to get it.

Supervisor Scammell asked if Hearts of Stray is all private donations.

Sue Snavlin said yes.

Councilman McConnell asked if she did this, how would it fit in with the dogs that needed medical treatment.

Sue Snavlin said Dr. MacMackin and another vet have volunteered their services. Dr. MacMackin said he would do the shelter at his practice if one were allowed in the Hamlet.

Councilman Knapp asked if this would be the primary shelter for the towns.

Sue Snavlin said yes. It would be for Tully, LaFayette and the other towns she is Dog Control Officer for.

Councilman Bailey asked what the standing with the SPCA is with the various towns.

Sue Snavlin said they are useless to us. They don't return calls.

Jon Rogers said they won't give us a key so a dog has to be dropped off during their operating hours.

Sue Snavlin said the cruelty officer told her to pick a dog up after he was called about it 3 times and he said he'd come pick it up from her and he didn't come for 5 days. She said the SPCA charges \$75/day to board dogs.

Councilman McConnell said the shelter she is proposing sounds like a long-term solution. He asked how long it would take to accomplish this.

Sue Snavlin said it would be on the old Solvay farm on Tully Farms Rd. You could put a pole barn up there.

Steve Meier asked about how big a building she is thinking about.

Sue Snavlin would have to research this. There are 14 runs at Lake Country. They have only been full twice. A pole barn the size of this office building would be too big.

Councilman Knapp said if you had 20 runs, it should be fine.

Steve Meier said a building the size of the town offices would probably be about \$60,000.

Sue Snavlin said she is in hopes that some people like Mark Drumm might be willing to help.

Jon Rogers said you don't need a high building.

Sue Snavlin would like to have in indoor and outdoor runs to minimize walking the dogs. She thinks once you put all the towns together, it might be cheaper in the long run.

Councilman McConnell asked why that property is available.

Sue Snavlin said because it's unmineable so it's useless. He said he would deed the property to her for \$1.00 to use as a shelter.

Councilman McConnell said the property is essentially free and the building would be paid for over time.

Sue Snavlin has been told by a lot of people that grant money is available once you get the property and can give them a plan.

Councilwoman Smith asked about the existing electricity and water.

Sue Snavlin said there is a big fire hydrant there.

Jon Rogers believes it's probably fed from springs.

Sue Snavlin tried to talk to the county and they aren't receptive. There is no help for dog control south of the city. They do all kinds of things for the SPCA. They don't help us out at all.

Jon Rogers said he will not be seeking reappointment next year as Dog Control Officer because of his work schedule and he really doesn't have the time. It would be his recommendation that they ask Sue to take over this position. She's been a Godsend to him this year. He couldn't have done it without her. He will finish out the year.

Supervisor Scammell said the Board was looking into a law regarding the pick up of a dog more than once.

Sue Snavlin advised there are very few dogs picked up more than once. She doesn't believe there is a benefit in going forward with this as it doesn't happen very often. She said there is already something in place in the Ag. & Markets Law. The fines are supposed to go back into dog control.

Supervisor Scammell said someone must collect the money, keep it in a separate account, etc. He asked about how many dogs they pick up in a year.

Jon Rogers said the first 10 years he did it they were averaging about 45 dogs a year. Currently they are at 34 so they will probably be about the same by the end of this year.

Sue Snavlin said that is only figuring dogs they pick up and take to the shelter. It's not the ones they take home when they know who the owners are.

The Board thanked Jon for his years of service.

### 3) Highway Superintendent: Leon Cook.

- **SPDES/MS4 Stormwater Phase II (see J. Dunkle list). Time & expense log.**

Leon Cook said they have been doing about the same thing as last month. They are cleaning a lot of shoulders and continuously mowing roadsides. They did some brush hogging. When the leaves fall, they will be doing a lot of this. They helped Tully one day to pave 7/10 of a mile. They helped Otisco one day oil and stone 7 miles. He has Tully coming to help us tomorrow to haul gravel for the other section of road on Morezak Rd. It's a total of 1,584' long. They have to put 500' of road in to get passed the driveway. They are working on this now. They are still mowing the 40 acres of town property. He asked the board to go into Executive Session to discuss potential litigation. He would like to have the Executive Session as soon as possible. He would like the Chairman of the Highway Committee to come in on his behalf.

**Councilman Knapp moved and Councilwoman Smith seconded the motion for the Town Board to go into Executive Session to discuss potential litigation and to include the Highway Superintendent, Chairman of the Highway Committee and Town Attorney. Motion passed unanimously.**

The Town Board went into Executive Session at 8:36 p.m. Supervisor Scammell called the Regular Town Board Meeting back to order at 9:10 p.m.

### 4. Justice: Malcolm Knapp & Maureen Perrin.

A written report was submitted for July.

Supervisor Scammell noted they turned over \$31,679 to the town for the month of July and had 345 cases.

Councilman Bailey said he spoke to the sergeant in charge of the state police weigh-in station. Effective immediately their southbound scale truck station will be open 24 hours a day, 7 days a week. This would potentially boost the fines.

Councilman Knapp said they are going to do it right through the Republican Convention.

Marshall Taylor said it may be a boom to revenues but resident's on Route 11 South don't like it. There are tandem trucks going through every day. Tandem's are not even suppose to be traveling on Route 11.

Supervisor Scammell said he shared the letter Mr. Moore sent the Board about this problem at a previous meeting.

Marshall Taylor said he called the state police and they said they will keep an eye on it. They advised there's really not any good place to stop a truck on Route 11.

Councilman Knapp said one of the big things they are seeking is to be sure the driver of the truck is the one with the license.

Councilman Bailey said he can talk to the sergeant that runs that unit. They are working 12 hour shifts. If they were to turn the switch on to activate the lights and pull a few trucks over and then turn the lights back off until they handle the trucks they have, it might control the amount of trucks taking Route 11.

Supervisor Scammell said they advised him that often they are setting another checkpoint at the onramp to Route 81 n LaFayette. He asked if Tully would be seeing the same impact due to the state budge as LaFayette.

Tom Chartrand said they don't have as much revenue to their justice court from Route 81 as the Town of LaFayette does.

Supervisor Scammell asked if this would take effect on January 1, 2005.

No one knew.

Supervisor Scammell said if there isn't an effective date set yet, there still might be time to do something about it.

Councilman Knapp said this doesn't affect most of the towns like it does us. It's the highway towns that it will hammer.

Tom Chartrand said Tully doesn't have the truck scale station there like LaFayette does so LaFayette tends to get a little more business.

Councilman Knapp asked Kevin Gilligan to track down the effective date of this.

The Board was in agreement to do whatever they can to deter this from taking effect.

**5. Library Director: Scott Kushner.**

**6. Recreation Director: Regina Reinschmidt.**

A written report was submitted to the Supervisor.

Supervisor Scammell read the report

Supervisor Scammell said complaints seem to have trickled off regarding the box lacrosse this summer.

Leon Cook believes putting the gate up helped stop a lot of complaints.

Supervisor Scammell asked if the vandalism is down.

Councilman Knapp said there was just one incident he knows of involving the overflow.

Councilman McConnell is pretty sure he identified the 4 that were the primary offenders and he doesn't think they have been back. He agrees the gate helps but knows people park there and walk over.

Leon Cook said he caught a person over there on a 4-wheeler and he told him that the Town doesn't allow 4-wheelers in there. He was nice and the person was nice back and said he wouldn't bring the 4-wheeler back there again. Leon told him to let his buddies know too.

Councilman Knapp said he knows Mr. Puttkamer makes regular visits there and the signs on his truck that say Park Patrol help too.

**7. Town Clerk: Mary Jo Kelly.**

A written report for July was submitted.

**8. Town Supervisor: Greg Scammell.**

A written report for July was submitted.

Supervisor Scammell noted 58% of the year is gone by and 56% of the budget has been used.

Tom Chartrand asked about budget meeting dates. He would like to get the ones out of the way involving the department coming before the Board with their requests. Normally he sends out the budget worksheets to the departments around Labor Day. Usually the smaller budgets come in to present their budgets to the Town Board before a Regular Meeting.

The Board decided a Budget Meeting would be held September 27, 2004 at 5:00 p.m.

The Board decided Budget Work Sessions would be as follows:

October 4, 2004 at 5:00 p.m.

October 11, 2004 at 5:00 p.m.

October 18, 2004 at 5:00 p.m.

**Councilman Knapp moved and Councilwoman Smith seconded the motion to hold public hearings for the LaFayette Fire District fire protection contract, the Jamesville Fire District fire protection contract, the 2005 budget, the Coye Road Water District and S.O.T.S. on November 4, 2004, at 5:30 p.m. Motion passed unanimously.**

- Intermunicipal Cooperation & Consolidation.
- 2005 Budget (new) items for review (JFD capital plan, Bailey Park pavilion, Town Signs (Signage Systems quote)).

**B. Committee (2<sup>nd</sup> Monday).**

**1) Communications & Technology**

- other)
- a) Town Website alternatives (Keep home grown, Digital Towpath, and location alternatives (town server, PAETEC, other). Need costs.

b) **Email alternatives (Mike Forte – Kerio Mailserver 5.7.7 testing, AOL, PAETEC, other). Need costs & trial period/evaluations.**

c) **TOL web status (via email).**

2) **Emergency Response.**

- **AEDs (Defibrillators).**

Councilman Bailey said the federal government is dispensing some of the funding. This is a continuing process until the money is gone.

3) **Employee Policies & Benefits.**

4) **Environmental & Conservation Advisory Board.**

- **Forest Tent Caterpillar – Report.**
- **Gypsy Moth.**

Supervisor Scammell said Chairman Brocke submitted a nice report. He will be including this in the Newsletter for the residents. He believes there will be a future date scheduled for Mr. Duflo to come speak about the spraying, etc.

5) **Highway.**

6) **Physical Plant .**

- **LaFayette Commons/Library: Leaking over library circulation desk. General contractor researching cause of leak. Resheet rock when complete.**

Supervisor Scammell said Fred Groth and Dick Voght cut into the library ceiling.

Councilman Knapp said they need a dry day and he thinks there are some coming up. He also spoke to Mr. Felicia tonight who is a general contractor and has the equipment to handle whatever work we might need. He is willing to take a look at it as soon as we know what's going on as far as fixing it.

- **LaFayette Commons/Library: Heat tape to be installed in valley over library entrance.**
- **LaFayette Community Center: Insulate or heat tape over the kitchen area to prevent ice buildup.**

7) **Recreation & Youth.**

a) **Bailey Park.**

- **Charcoal grills. Sources and prices .**

Supervisor Scammell submitted paperwork from a state bid regarding the grills for the parks. He read through several styles and prices. The original request was for a couple of grills for the Cardiff Park.

Councilwoman Smith said and one for the ballfields behind the Inn.

Supervisor Scammell said he received some other information today on fire rings. They are a little different style.

The Board will review the information by the next meeting.

- **Pavilion (deferred until budget time).**
- **LaFayette Beach.**

Leon Cook said he has gotten 3 quotes now for the water treatment system. He was supposed to find out if Shute's can have it done before the cold weather and they advised they can. The quotes are as follows:

Shute's Water Systems	\$5,250
T.J.'s	\$5,900
LaFayette Water Conditioning	\$5,500

Leon Cook noted the lowest bid is Shute's Water Systems. The money will come from the Weller Rd. money. This was approved at the July 26, 2004 Town Board Meeting.

- **Plumbing.**

Councilwoman Smith said the plumbing is all done on the inside.

- **Survey/transfer LaFayette Beach from LCC to town.**
- **Options for limiting vandalism (lighting, etc.).**
- **Options for noise control from lacrosse box - mats.**

**b) Stafford Park. Tennis court renovation.**

Councilman McConnell said he spoke to the Optimist Club and believes the Town Board should allocate in the budget next year capital improvements. Ron Bush and his crew moved the poles to the appropriate location last week. The fence will be done by Butler Fence this week. The Optimist Club is paying for that. He spoke to Mr. Mondonaro and Jim Wolf and they have signed the contract and sent it yesterday to Kevin Gilligan and Supervisor Scammell. Mr. Mondonaro will be sending a check for \$5,000. This will be for the further resurfacing. This will make the town have to come up with \$1,000 this year and the balance next year.

Councilman Knapp asked Kevin Gilligan if it comes up to \$4,000 each rather than \$5,000, can the town cut a check back to the school for \$1,000?

Kevin Gilligan said no. It wouldn't be legal. The town is subject to the prevailing wage rate and so is the school.

Councilman McConnell said the Optimist Club has paid Butler Fence so we are not responsible for that.

Kevin Gilligan asked about the resurfacing.

Councilman McConnell said that was determined 3 months ago. John MacDaniel has that information.

Councilman Knapp asked what the money amount is that trips the prevailing wage.

Kevin Gilligan said you are subject to prevailing wages which means you are responsible for any contractor providing work to be sure he is paid prevailing wage and it's an obligation of the contract.

Councilman Knapp asked it that is regardless of the amount of money involved.

Kevin Gilligan said anything over \$1,500. As a municipal contract, the town and school have that obligation. He believes the contract would be between the town and the contractor. He asked who the contractor is.

Councilman McConnell didn't have the name with him.

Kevin Gilligan said that contract would be with the town.

Councilman McConnell said the town would be a co-payer.

Councilman Knapp said the school is giving us the money so we will be cutting the check to the contractor.

Councilman McConnell would suggest the Optimist Club be the lead on this. Mr. MacMackin will be back tomorrow so he will have him contact Kevin Gilligan. He asked what our cost mechanism would be to pay any overage payment back to the school.

Kevin Gilligan said he would hold off having the school cut the check until the cost is figured out using the prevailing wage.

Councilman McConnell will talk to John MacDaniel and have him call Kevin Gilligan and get him a copy of the proposed contract so Kevin Gilligan can guide him on how the contract should be done. He thinks the contract included the prevailing wage. He will have the school hold off sending the money until we get a handle on this.

Councilman Knapp asked how we handle the Optimist Club.

Kevin Gilligan said we could be in a situation where we owe money to the Optimist Club. We can have an agreement that the town will commit a set amount of money to Stafford Park and take their suggestions for what we should do for improvements.

Tom Chartrand said we have a parks line item in the budget that we pay for the restroom cleaning, etc., The Recreation Dept. pays for the cleaning of the Concession Building.

Councilman McConnell asked about capital improvements.

Tom Chartrand said we have no capital improvements line in the budget.

Councilman McConnell said so park improvements basically fall upon the Optimist Club.

Kevin Gilligan said the backstop was replaced by Community Council.

Tom Chartrand said there's no problem having a line item for improvements. You just need to show a plan.

Councilman McConnell said the town would say some now and some later.

Tom Chartrand said if the Butler Fence bill was split into labor and materials, the town could pay \$2,000 for the material and the Optimist Club could pay for the labor.

Councilman McConnell believes this would make it so the town had to come up with the money in this years budget rather than next years.

Councilman Knapp said the price was inclusive of everything.

Councilman McConnell would recommend that we will live by what we said at the last meeting.

Kevin Gilligan said the SEQR resolution never made it into the minutes. Hew believes it should have appeared on page 2 where the Board discussed all of this. The Board did the SEQR and signed the EAF at the last meeting.

**Councilmen Knapp moved and Bailey seconded the motion to add the following into the Minutes of the last meeting on page 2 before Item B.**

**“Councilmen McConnell moved and Knapp seconded the motion to complete the SEQR process, that the Town Board is lead agency, there are no other involved agencies and this is an unlisted action rendering a negative declaration and to proceed with the project. Motion passed unanimously”. Motion passed unanimously.**

- **Lacrosse facility – estimates, location possibilities.**

#### 8) **Safety.**

Councilwoman Smith said the lawnmower has been removed from the Community Center.

Mary Jo Kelly said Herb Salladin has chained the mower behind the Center for now. He’s looking for a cover for it.

Councilwoman Smith said to let him know she has a tarp he can use if he wants to.

Councilman Knapp said in the winter it might be able to be stored in the Community Council storage shed.

#### 9) **Senior Transportation & Housing**

- **Grant from Assemblyman Jeff Brown. Application in process.**

#### 10) **Service Awards.**

- **PERMA Volunteer Firefighter questionnaire.**

Councilman McConnell said he has taken care of this. He has spoken to Jack Sutton about filling out the questionnaire and will be forwarding it on to him.

#### 11. **SOTS & OCRRA Liaison.**

#### 12. **Water.**

- **U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan complete, seeking nonfederal (NYSDEC) sponsor for \$6M.**
- **Village of East Syracuse Water District.**

13) **Zoning Review.**

a) **Simple/small subdivision Guidelines – Under Review.**

- **PB/ZBA/CEO/CCF input.**
- **TB review.**
- **Fee schedule.**
- **NYS Comptroller’s opinion (what constitutes a subdivision?).**

b) **Ad hoc committee for Review of Planning and Development processes**

(form

letter complete).

c) **Corridor Plan.**

d) **Digitized zoning map.**

9. **LITIGATION & OTHER LEGAL MATTERS:**

**A. People v. Claire Watson.**

- **DeWitt Court, 8.17.04.**

Supervisor Scammell said the Watson case was adjusted until September 21<sup>st</sup>.

**B. LaFayette Hotel/Mr. Muraco’s project at the four corners & DEC septic approval (awaiting DEC response).**

**C. PILOT agreement w.Festival Gardens.**

- **Late payment accounting & fiscal year.**
- **Due date change.**

Supervisor Scammell where the Board left off with this.

Kevin Gilligan said the Board was going to change the second payment date. You would allow them an extra month to make the payment. The payment must be made by April.

Councilman McConnell agreed.

**Councilmen Knapp moved and Bailey seconded the motion to revise the Pilot Agreement amending it to extend the second annual payment in each payment year by 1 month. Currently it is due in March and will be amended until April.**

10. **UNFINISHED BUSINESS & ACTIVE PROJECTS:**

**A. Time-Warner Cable TV franchise renewal (GS).**

- **Franchise expansions – 3 miles in the last 12-18 months.**

Supervisor Scammell said they have done an additional 3 miles in the last 18 months.

Councilman Knapp asked if they said where.

Supervisor Scammell said no.

Discussion took place regarding having several people in the same neighborhood call if they would like cable.

Supervisor Scammell said he put an article on this in the Newsletter several years ago and got no response.

The Transitional Duty Program was all taken care of at the last meeting.

**B. Speed limit reduction requests.**

- **Route 91 appeal (awaiting NYSP study requested by Sen. John De Francisco).**

**C. Cram Communications, WVOA-AM towers.**

- **Engineering study performed by Cram to be reviewed by independent consultant, pertaining to impact on Groth Road Communications Tower.**

Kevin Gilligan said he is still trying to discuss this with an unbiased expert to get his opinion regarding the information Cram supplied.

- **5.6.04 letter: AM Tower Project.**
- **Detuning costs responsibility.**

Kevin Gilligan said Cram was good enough to provide us with the FCC regulations regarding the detuning. He doesn't know if they can legally do this for us. We, as a cell tower,, need to get out of the way of a broadcasting tower. If we can do this, a condition should be that they detune our existing customers and any future customers. Otherwise, Cram is taking away the towns ability to get income from this property. We must be sure we are not in violation of any of our agreements with any of our current tenants.

**D. Zone change request for Route 20 & Tully Valley Extension (referred to PB).**

Councilman McConnell said he has driven by this property a couple of time a week. It would probably look better having the proposed business there.

Supervisor Scammell said a problem here is the ownership of the property. The Planning Board had the following findings:

- 1) Margaret Mueller is not the current owner.
- 2) The Board has some concern regarding which road would access this property.
- 3) The Town Board should be aware that approving this zone change allows any approved commercial uses to be on this lot.
- 4) Some of the other properties in the area are being used for commercial uses.
- 5) Some of the other areas are Agricultural/Residential which seem to surround this property.
- 6) There is concern with regard to lot size for the proposed use and in general.

- 7) The Town Board should request an updated survey for the property with legal descriptions.

Chairman Nakas said two major things to keep in mind would be the owner would have to eventually make the petition and secondly he thinks the Board would be very reluctant to have the entrance off of Route 20. This Board required the sports complex to have access off Tully Farms Rd. and not Route 20.

Kevin Gilligan said when this was first discussed, there was some thought on rezoning the area from Field Lane to Tully Farms Ext. when you are discussing rezoning 1.3 acres, it might be considered spot zoning. Maybe Margaret Mueller should be advised to talk to the neighboring property owners regarding the whole strip. The Planning Board didn't address the rezoning of the whole strip. He doesn't think he would make any zoning changes until there is a signature of the owner of the property.

Councilman McConnell would agree but Mrs. Mueller was looking for guidance.

Kevin Gilligan said a contingency could be put in the agreement. Right now, no one who actually controls the property has asked for a zone change.

Supervisor Scammell asked what it is that determines the cut-off for spot zoning.

Kevin Gilligan said generally 2 acres is more defensible. If someone challenges a zone change, it tends to be at the 2 acre cut-off. They also would have a problem since it's a non-conforming lot. To build anything on it they would require an area variance.

Whether or not this parcel was in an Ag. District was discussed.

Marshall Taylor submitted a tax map of the parcel.

Councilman Knapp said his concern is if Mrs. Mueller buys the property with the contingency she gets the zone change and if she gets a zone change, can the seller back out? Could this then be used as a sawmill?

Kevin Gilligan said no. It would be zoned commercial and not industrial. He reviewed what is allowed in a Business District.

Supervisor Scammell said we should be hearing from Ag. & Markets soon on what is allowed in Ag. Districts and how our Zoning Ordinance applies. This doesn't mean what is being proposed is a bad idea.

Councilman Knapp agreed.

Councilman McConnell would not want to change the zoning of the neighboring lots without some feedback from the residents. He would recommend the feedback to Margaret Mueller be just what the Board has discussed tonight.

#### **E. Planning Board Alternate appointment.**

An Alternate Planning Board Member was discussed.

**Councilmen Knapp moved and McConnell seconded the motion to appoint Shawn Adam as Alternate Planning Board Member. Motion passed unanimously.**

Councilman McConnell believes he will do a good job.

**F. Other.**

**10. NEW BUSINESS:**

**A. Private Property Tax Exemptions (Section 459).**

Supervisor Scammell noted the school would also be involved with this.

Councilman Knapp asked if they would have to agree with this too.

Marshall Taylor said yes. If the town passes it, the school then decides if they want to pass it for the school taxes.

Supervisor Scammell asked if it would be the assessors who would determine the value of the structure.

Marshall Taylor said yes. He, Mary Doster and Bernard Aungier would go look at the property once the person filled out the paperwork and they would determine what percentage of it was used for handicapped purposes.

Supervisor Scammell asked if this is passed, can someone come in that might have made an alteration 10 years ago?

Marshall Taylor said yes.

Kevin Gilligan said the Town Board can set the construction date as far back as they want to.

Councilman Bailey said it would seem that as this law becomes at a more heightened level throughout the community, there are some elderly that would fall under it.

Supervisor Scammell said the Town of DeWitt has had 3 filings for this type of exemption. The Town of Elbridge has had 2 and the town of VanBuren has had 2.

Councilman Knapp asked Kevin Gilligan if any of the other towns he deals with have this exemption.

Kevin Gilligan said no. he will prepare the paperwork for the next Town Board Meeting. He asked how retroactive the Board wanted to go.

Marshall Taylor believes the way it reads, it can be anytime prior to enacting it.

Councilman Knapp asked if the Board can set a construction date cut-off.

Kevin Gilligan believes it can but would like to know how far back the Board would like to go.

Councilman McConnell would like to know if there is a precedent set in other towns.

Supervisor Scammell asked if it would really matter as it goes forward from the time of the application.

Marshall Taylor said if the resident moves, the exemption is removed from the property.

Councilman McConnell would suggest writing a proposal open-ended. Each case comes before the assessors for review and assessment.

Marshall Taylor said each year the residents must fill out a form stating they are reapplying.

Kevin Gilligan will try to get a copy of the law from DeWitt, Elbridge and VanBuren to see what theirs is like.

**B. ZBA request for mobile home inventory, including status.**

Supervisor Scammell said it's been a long time since a mobile home inventory has been done. There was one in 1964, 1976 and 1979. The notion is that the Zoning Board of Appeals needs to know if a trailer still in existence is grandfathered , in violation, etc.

Marshall Taylor believes he can supply a list of the mobile homes in the town.

Councilman Bailey asked if it would be any help reviewing the information from when Mr. Fitts did the reval a couple of years ago.

Marshall Taylor said their inventory should show the mobile homes. If there's any place where there's a trailer that looks like a trailer, it should be on file.

Councilman McConnell believes we should take these on a case-by-case basis.

Marshall Taylor submitted a partial list of trailers in the town.

Councilman Bailey was curious as to how this popped up.

Councilman Knapp believes it was because of the case that came before the Zoning Board of Appeals regarding a trailer.

Supervisor Scammell will speak to Steve Beggs about how this came up and clarify their request regarding trailers

**C. Councilor McConnell: Strategic Plan survey proposal.**

Councilman McConnell submitted paperwork regarding this to the Board. He asked the board to get back to him with their viewpoints on the subject and whether they wish to go forward with this at no cost to the town.

**D. Other.**

Councilman Smith has the contract for the insurance for the Ropes Course. She would like a motion for the supervisor to sign the insurance contract.

**Councilmen Knapp moved and Bailey seconded the motion authorizing the Supervisor to sign the insurance contract for the Ropes Course. Motion passed unanimously.**

Councilman Knapp said he saw a school board member at a sporting event and they said something about a meeting called over the whole Mondore matter.

Supervisor Scammell said there was a meeting at the Central N.Y. Auto Auction. The issue is water that drains from a number of different places off of public thoroughfares onto the Auto Auction property.

Councilman McConnell asked who did the paving on the corner of Mondore and Route 11.

Supervisor Scammell would presume it was the State D.O.T. but he doesn't know for sure. When the Central N.Y. Auto Auction came before the Planning board

a few months ago for a proposed addition, one of the things the Planning Board asked for was the applicant to get an engineering study done of the property. Jim Damiano went ahead and had a local engineer come down and draw up a map as best he could determining every pipe and every water thoroughfare that comes near as well as goes through the property. Once he had that done, he gave a copy of the map to the town. Jim Damiano's attorney called a meeting with the N.Y.S. D.O.T. who had 3 members attend, the school district that had 4 people there and the town who had 4 people there. It was a good meeting between the owner of the property and his attorney, the town attorney, the town engineer, the town Highway Superintendent, the school attorney, 3 other members from the school and 3 N.Y.S. D.O.T. members. They all sat down to try to figure out what needs to be done to alleviate the regular flooding on the C.N.Y. Auto Auction property.

Councilman Knapp asked if Mrs. Mondore is now O.K. and the flooding is going on the C.N.Y. Auto Auction site.

Supervisor Scammell said flooding has been going on at the Auto Auction site for a long time. The engineer got the maps out and explained them at the meeting. The N.Y.S. D.O.T. had several statements. Someone had gone under the road and the question is whether or not they had a work permit to do it. There was no work permit on file at this point. There was a proposed solution by the C.N.Y. Auto Auction's engineer. One proposal was to build a culvert on the west side of the road where there is nothing now. There was discussion if they did this could some other structure be built to take water to Hemlock Creek. There was a scaled-down version of this discussed by the state D.O.T.

Kevin Gilligan said they are going to do some investigation trying to find some work permits. The school district is supposed to be reviewing their records. The town is going to look into our approvals of Mondore Drive, Bella Vista, etc.

Supervisor Scammell appreciates that Jim Damiano went to the expense of this study. He is hopeful this will lead to eventually what should have been reviewed by an engineer in 1950 or somewhere back then and whatever the solution might be as well as the associated cost. He doesn't know what this will be. He advised Hank Chapman was at the meeting too from Senator DeFrancisco's Office.

#### **11. Suggestions for improvement or positive contributions.**

Supervisor Scammell thanked Councilman Knapp and Councilman McConnell for the Active Service Display.

Councilman Bailey said he discussed this with Capt. Bronstad previously and he goes around to other town Board Meetings and this is the first display he has seen like this.

Supervisor Scammell commented on Councilman McConnell's letter to the LaFayette Fire Dept. regarding the burning of the McIntosh property. He said it was very nice of Councilman McConnell to put this together.

**12. Councilmen Knapp moved and McConnell seconded the motion to audit and pay the following bills:**

<b>GENERAL FUND</b>	<b>#1635 to 1638, 1666, 1691 to 1724</b>
<b>HIGHWAY FUND</b>	<b># 1725 to 1744</b>
<b>SPECIAL DISTRICT FUND</b>	<b># 1634 &amp; 1745</b>
<b>TRUST &amp; AGENCY FUND</b>	<b># 1631, 1632, 1746 to 1754</b>

**Motion passed unanimously.**

**13. Executive session (as needed).**

Held earlier in the Meeting.

**14, Councilmen Knapp moved and Bailey seconded the motion to adjourn. Motion passed unanimously.**

The Regular Town Board Meeting adjourned at 11:55 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk