

Minutes of the Regular Town Board Meeting held September 12, 2005 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 6:30 p.m.

**PRESENT:** Gregory Scammell, Supervisor  
Sandra Smith, Councilor  
David Knapp, Councilor  
Thomas Bailey, Councilor  
William McConnell, Councilor

**RECORDING SECRETARY:** Mary Jo Kelly, Town Clerk

**OTHERS PRESENT:** Leon Cook, Highway Superintendent  
Thomas Chartrand, Bookkeeper  
Kevin Gilligan, Town Attorney  
Marshall Taylor, Assessor/Clerk  
Mary Doster, Assessor Chair.  
Heidi Smith, Dodge Rd.  
John Dunkle, Town Engineer  
Clay Smith, Past Supervisor  
Mr. & Mrs. Tom Kellish, Berry Rd.  
Pat Zangari, Berry Rd.  
Jackie Ruzekowicz, Apulia Rd.  
Mary Sheremeta, Clark Hollow Rd.  
Melissa Sheremeta, Watervale Rd.  
Mark Sheremeta, Watervale Rd.  
Tom Pavente, Berry Rd.  
Arthur Goldsmith, Berry Rd.  
Nancy Brelos, Pictometry

1. Supervisor Scammell called the meeting to order at 6:30 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to our U. S. Flag led by Town Councilor Tom Bailey.
4. **Councilor's McConnell moved and Knapp seconded the motion to accept the August 8, 2005 Regular Town Board Meeting Minutes as submitted by the Town Clerk. Motion passes unanimously.**

5. **PUBLIC HEARINGS:**

**A. SUBDIVISION FILING PROCEDURES.**

- **Public notification of neighbors.**
- **Time frame.**
- **Record keeping.**
- **SOCPA meets every 3 weeks.**
- **Drainage, riparian rights, building permit notification, subdivision notification.**

## 6. **COMMUNICATIONS.**

### **A. Residents. (Please sign in and give your name before you speak).**

- **Sheremeta family, Mary Ellen Banks: Morezak Road.**
- **Other.**

Supervisor Scammell said he has received several communications regarding Morezak Rd.

Mary Ellen Banks wrote a letter dated September 6, 2005, requesting not to close Morezak Rd. as they use it several times a year.

Bob & Ruth Colvin wrote a letter requesting the road stay open as they use it several times a year.

Steve & Kate Morezak wrote a letter requesting the road be kept open as it's used on an annual basis. This letter noted the only time a log was across Morezak Rd. was when a storm blew one down and she notified the Town Highway Dept. who came and cleaned it up. She said several people use this road several times a year.

Mark Sheremeta wrote a letter dated September 9, 2005, requesting the road be kept open as it's the only access to Sheremeta land and he personally accesses the property several times a year.

Mary Sheremeta requested the road be kept open as she and her children use it quite often.

Tom Kellish asked if there is to be a determination tonight on the abandonment of Morezak Rd.

Supervisor Scammell believes the Board can make a determination about abandonment as one of the criteria for abandonment is that the road hasn't been traveled on in 6 years. The testimony received tonight shows the road has been used several times.

Tom Kellish believes if the Town Board is going to decide about abandonment tonight, there should have been public notification. He has collected a lot of information since the last meeting. He does not want to see a continuation of Morezak Rd. as a town highway. He isn't here to take the rights away of the people here tonight to use the dead-end road. He is here tonight to oppose the continuation of Morezak Rd.

Supervisor Scammell asked if he meant bringing the road up to specs.

Tom Kellish said any major improvement on the part of the town. These folks have said they use it 5-6 times a year. The law states 2 cars or pedestrians a day. This undertaking should not be done at the Town of LaFayette's expense.

Supervisor Scammell asked him to submit whatever information he feels is important regarding this matter.

Pat Zangari asked if the road is abandoned, would all the people up there not have use of their property? She is confused about this. She isn't sure why these people are so concerned. How much did the paving of the road at this point cost? She doesn't think Mary Sheremeta or the other folks would like to see the road continued and paved at the towns expense.

Kevin Gilligan said if it's determined that the road has been abandoned under the law, it would terminate any public rights to the road. If private rights have been established, they could be asserted. It could be a private right-of-way as opposed to a road.

Art Goldsmith asked if the town abandons the road, who is responsible for determining who owns the land?

Kevin Gilligan said it would have to be in the chain of title.

Tom Kellish said several folks have traveled over Morezak Rd. to get to Berry Rd. Abandoning Morezak Rd. could extinguish this.

Supervisor Scammell asked Leon Cook what the cost to pave Morezak Rd. was.

Leon Cook said \$6,000.

Pat Zangari asked if that includes the little repair that had to be done.

Leon said no. That repair was very minor.

Pat Zangari said she understands this is a concern of these people. When she's been on the road, she has been turned away by people who say she can't walk on it. She doesn't understand some of the issues involved. She doesn't understand their concerns. What difference would it make if the town abandoned the road or it stayed the way it is now? Hasn't it been maintained or policed by anyone.

Kevin Gilligan said he has heard a lot of conflicting facts such as the road is used for vehicle traffic on a regular basis for the past 6 years. If this is the case, the main reason for abandonment has not taken place.

Supervisor Scammell said the Town Board is not considering abandoning the road. The question came up in conversation as to whether it was abandoned.

Art Goldsmith asked how long the road is.

Leon Cook said 1584' from Berry Rd. It's 3/10 mile. The road is 3 rods wide which is 49 1/2' wide.

Supervisor Scammell asked if this comes up to Mr. Carter's residence.

Leon said no. It goes straight in and bends to the left.

Councilor McConnell said over the weeks Mr. Kellish has obtained information and he wants to prove it was abandoned. The real issue is to

listen to Tom Kellish's points that he has researched to establish whether it's an abandoned road or not. He apologized to Tom Kellish for not realizing this would be discussed in detail tonight.

Tom Kellish said he has a copy of the Onondaga County D.O.T. Map showing no Morezak Road and it is not in the index. The map is at least 20 years old but there is no date on it. He had an Atlas Guide of 1978. There is no Morezak Road on the map or in the index. Leon Cook indicates he took over in 1988. Syracuse Onondaga Planning Agency submitted a letter of streets for the Town of LaFayette, there's no Morezak Rd. on it. The Morezak family is a relatively large family. Paul Morezak, in 1936, obtained the land. In 1965 Paul Morezak conveyed to Steven Morezak the land that we are talking about. In the description it says "Beginning at a point in the center of Berry Road where the center of abandoned road intersects the same..." Steve put the land in he and his wife's name in 1988. In the description it reads "Beginning at a point in the center of Berry Road where the center of abandoned road intersects the same..." Paul Morezak conveyed land to Harry Morezak in 1963 and the description reads "Beginning at a point in the center of Berry Road where the center of abandoned road intersects the same..." Harry put it in his name and his wife's name in 1969 and the description reads "Beginning at a point in the center of Berry Road where the center of abandoned road intersects the same..." He researched the records for Steve Morezak from 1966 to date and sees no conveyance of the land to the Town of LaFayette. He searched the name of Paul Morezak since 1936 and Harry from 1963 and finds no conveyance of the property to the Town of LaFayette. In the initial application of the Morezak subdivision to sell the land to Mr. Carter, Mr. Carter showed the Board on the map where the property would be located. He showed them the right-of-way. Chairman Nakas noted the driveway would be cut in along Berry Road where Berry Road meets the stated road. The attorney stated by granting the subdivision, it doesn't mean the road has to be paved. That would be up to the Highway Superintendent. This was referred to County Planning. He asked if the existing road used by pedestrians and vehicles is 49 ½' wide.

Leon Cook said no. They only improved the road like the rest of the town roads. It's 18' wide and 5' of shoulder.

Tom Kellish said where the 453' Town of LaFayette Highway ends, you can almost get stuck. Mrs. Zangari came here from the city in 1990 to escape the urban sprawl. She bought her house based on a map she saw which stated abandoned road. He would like to see more control of the Town Board over the Planning Board. A dirt road in the town not laid out or dedicated does not become a highway unless it has been maintained or repaired. The road must not only be traveled upon but maintained and repaired. He is hopeful the Town Board won't make a determination which affects so many people based on just his opinion. He thought he would have time to do more. He is only hoping to give the Town Board enough reason to pause and think about this.

Councilor McConnell said in the research through the Town Clerk's Office there were 1948 Town Board Minutes that money was put in the budget of the Highway Dept. for Morezak Rd.

Mary Jo read the 1948 Town Board Meeting Minutes as follows: "Mr. Scammell made a motion to set aside \$4,000 for primary road work. A motion was also made to set aside \$500 to finish the Morezak Road. These were both carried. Another motion was made for the Town Clerk to write a letter to the Morezak bros. thanking them for giving the land for a highway..."

Councilor McConnell said at that time there was intent to maintain the road. He apologizes for the Planning Board stating the road was an abandoned road. He doesn't think there was anything in the Town Board minutes stating there was intent to abandon the road.

Tom Kellish said we may not have anything official in our records. Under the law, if a road is not used or maintained, it is abandoned. The paperwork is merely an administrative act. If the facts are there to qualify the road for abandonment, they can't be taken back. The road can be considered a qualified abandonment. It must be traveled by more than 2 vehicles daily, etc.

Kevin Gilligan said the qualified abandonment law wouldn't apply for the 2-year period. The abandonment over a 6-year period is what the Board will need to look at.

Pat Zangari asked if it's true that they can't take walks on the road if it's a private road.

Kevin Gilligan said if it's private property, the owner can determine who travels on it.

Mary Sheremeta said the road is passable. They use it all the time in their vehicle. Of her 5 children, 4 of them come often to the property. Her daughter might come 4-5 times a year. Her daughter may wish to build a home there one day.

Art Goldsmith said there are a fair number of people between hunters, loggers, farmers, family, etc. that travel the road. There may not be 2 vehicles a day going up and down the road but one day there might be 5 cars and another day there might not be any. The question is, is this an abandoned road? Can the town at least leave this as a path for a right-of-way? A lot of people in the area do not want to see a continuation of the road to the end. Therefore, what's done is done. There are still a lot of feet left to do. He thinks if people need to make improvements to their land then they should make the improvements to the road. He thinks the feeling is that the improvement to the road should have been done by Mr. Carter.

Kevin Gilligan said there is no way to leave a footpath available. It's either a highway or the town has no interest in it. If there are no deeds to the property, it would seem the only way the town would have acquired interest is for use of it.

Art Goldsmith said years ago there were many lots set out as woodlots. These lots are landlocked. He thought New York State passed a law that you can't do anything to landlock property any more.

Supervisor Scammell believes we can't create a landlocked parcel.

Kevin Gilligan said if a parcel is landlocked, there is nothing the town can do about it.

Art Goldsmith said if the road is done away with, the property will become landlocked.

Kevin Gilligan said if the road is done away with, it will be the result of whether the road or part of the road has been used on a regular basis for the past 6 years.

Pat Zangari asked if the Board is talking about the entire road of 1584'.

Kevin Gilligan didn't know. He asked if the road is passable and if it is used on a regular basis by motor vehicles over the last 6 years all the way to the end of the 1584'.

Leon Cook said yes.

Art Goldsmith confirmed this.

Pat Zangari asked if the Sheremeta's are talking about the part of the road passed the 1584'. She's not sure why paving any further than where it's been paved will affect the Sheremeta's.

Tom Kellish said it's ludicrous to assume it was a road as there are no dedications or no deeds.

Mary Sheremeta said in her deed it discusses Morezak Rd.

Kevin Gilligan asked if the Board would like to have a title company look at this. If it's internal in her deed, it doesn't really deal with the town.

Mary Jo Kelly submitted a Dedication of Land Release attached to a map of Morezak Road and land description dated April 5, 1948.

Tom Kellish would think the Board would want more time to explore this.

**Councilor's McConnell moved and Knapp seconded the motion to direct the Town Attorney to research Morezak Road. Motion passed unanimously.**

Kevin Gilligan asked Tom Kellish to provide him with copies of the information he has.

Tom Kellish showed him the Morezak Subdivision Map for the parcel sold to Carter's.

Kevin Gilligan believes the plan showed the road as an abandoned road as it wasn't a paved road and that is how the Planning Board picked up the terminology from the documentation. The survey could have gotten the information from abstracts referring to the road as an abandoned road.

Tom Kellish said the possibility exists that the town just built a highway on land it doesn't own.

Supervisor Scammell believes there are some roads we do not have title to.

Leon Cook said that is right.

Supervisor Scammell said many years ago people just kind of did things.

Pat Zangari said if the town moves forward, you may have people who wish to develop and sell their property. How do you determine who should develop their land? It sounds like some people will and some won't want their road paved.

Supervisor Scammell said where we do have roads, we can upgrade them to meet highway specs. New developments are built to specs by the developer and then dedicated to the town.

Councilor McConnell believes the Highway Superintendent maintained the road as he believed it should be done.

Supervisor Scammell asked Leon Cook if he has an obligation to upgrade town roads.

Leon Cook said yes. When he took over in 1988 there were several roads in the spring that school buses couldn't get through. He has upgraded these roads and today there is no problems. In 1988, it was the first year improvements had to be started. A committee was formed and determined which roads needed to be worked on. They put extra money in the budget for 5 years and that is how the roads got improved.

Councilor McConnell said on behalf of the Highway Superintendent, it's a fact that the Highway Committee got together a few weeks ago to review the town roads and how they should be upgraded and maintained.

Art Goldsmith asked if there are other roads in the town that are similar in nature to Morezak Rd. that are town roads. He asked about Persse Rd.

Leon Cook said part of this was abandoned quite some time ago.

Art Goldsmith said then the property owners neighboring the road on both sides take over the property to the center of the road. Does the town take care of this?

Leon Cook said this was a road the town didn't have title to either.

Supervisor Scammell said in the case of Leafy Tree Road, when it was abandoned the road was split between the neighboring property owners.

Tom Kellish said Morezak Rd. didn't acquire the user status. Nowadays there is every attempt made not to create landlocked parcels. Years ago it happened. This is unfortunate but it's true.

Marshall Taylor said at the last Town Board Meeting there was a comment made that he had taken things out of context regarding someone being around for a long time. He submitted a section of the July 11<sup>th</sup> Town Board Meeting Minutes for Supervisor Scammell to read and have entered into tonight's Minutes.

Supervisor Scammell read the following: "Councilor Knapp said most other towns have paid contracted assessors which is different from us too. He would like to keep it the way it is in LaFayette with 3 assessors. He believes

Jim is someone who can get in there and learn it and do it for a long time. He knows there is a lot to learn. Jim works nights so he has time during the day to do this kind of stuff and is a very smart guy.”

**B. JOBSplus!: Seeking not-for-profit volunteer sites.**

“JOBSplus! Is a partnership program between Onondaga Community College and Onondaga County’s Department of Social Services. We have recently celebrated our 10<sup>th</sup> year in the community and we are currently looking to expand our not-for-profit volunteer sites. A major piece of our welfare-to-work program is to help our clientele gain basic work skills that will assist them in obtaining and maintaining employment...”

**C. USDA, Rural Development: Government Loans.**

“Rural Development offers a 1% loan for up to 20 years...”

**D. NYS Attorney General: Pressure Treated Wood.**

“The Office of the Attorney General recently issued a pamphlet entitled, What You Need to Know About Pressure-Treated Wood, to alert the public to problems associated with pressure-treated wood containing arsenic...”

Leon Cook said he called Tully Lumber. He was advised it’s against NYS Law to sell this kind of treated wood any more. There are some lumber yards that are still getting rid of their stock so you need to be careful you don’t purchase the bad-treated wood. There is a new chemical treated wood now that is O.K.

Councilor Bailey asked if that means any existing items the town owns that were built with the bad pressure treated lumber will have to be replaced.

Leon Cook said yes.

**E. Syracuse Post-Standard, 8.19.05: CNY employment picture, July.**

“The State Labor Department Thursday released a surprisingly strong report on employment in the Syracuse area, but not as strong as the data indicated at first glance. The department said the area gained 7,300 jobs in July, compared with the same month last year – with all but 100 of those jobs created in the private sector. Manufacturing, which has long been a laggard in the monthly jobs reports, showed an unexpected 2,200-job gain...”

**F. NYS DEC: Notice of Complete Application – Kurt Watson.**

“The USDA NRCS will be constructing a low-berm approximately 300 feet long by 3 feet high to enhance an existing wetland (JAM-11) between Route 11 and Commune Rd. in the Town of LaFayette, as part of the Wetland Reserve Program...”

**G. Onondaga County Legislature: 9.6.05 agenda.**

**H. Onondaga County Planning Federation: 2005-2006 Municipal Dues.**

“The Onondaga County Planning Federation is requesting its municipal membership dues for the 2005-2006 program year...”

**Councilor’s Knapp moved and McConnell seconded the motion to pay the annual municipal membership dues to the Onondaga County Planning Federation in the amount of \$50.00...” Motion passed unanimously.**

**I. NYS Consumer Protection Board: Area regional office.**

“The new York State Consumer Protection Board has recently opened a regional office in your area...The CPB’s main objective is to help ensure that New Yorkers have information on important current consumer issues...”

**J. NYS Senator John DeFrancisco: Volunteer Firefighter tax break law.**

“...I am hopeful this new law will do a small part to show our gratitude to those who put their lives on the line to protect all of us. I am also hopeful it will in some way help with recruitment and retention efforts in our volunteer departments....”

**K. Jamesville Fire District: Contract renewal notice.**

**L. Onondaga County Health Department: Public water source analysis.**

Supervisor Scammell noted this is for the LaFayette Beach.

“...facility was of a satisfactory, sanitary quality at the time of sampling on August 1, 2005...”

**M. Office of Real Property Service (ORPS): New technology grant to improve property tax administration.**

“The State Office of Real Property Services announces an upcoming new grant program. Real Property Tax Administration Technology Improvement Program (RPTATIP) grants will be available for projects to implement technology and other projects that improve property tax administration and taxpayer access to assessment-related data...”

Supervisor Scammell asked Marshall Taylor if he had a chance to look at this.

Marshall Taylor said it looks like right now it deals with large municipalities. It looks like it might be more for a county-wide basis and not for smaller towns. He is waiting for them to get back to him about this.

**N. NYS Senator John DeFrancisco: Protecting your property rights, S.5938.**

“The ability to own land for a home or business is one of America’s bedrock principles. Government should not be allowed to seize property through eminent domain unless there is an essential public need, such as for roads, utilities or schools...However, on June 23, 2005, the U.S. Supreme Court decided in Kelly v. City of New London, that state laws can also permit private properties to be taken for private development...”

**O. NYS PSC: Intermodal competition in telecommunications services.**

“...Notice of educational forums and public statement hearings on the commission’s examination of issues related to the competitive provision of telecommunications services...”

**P. Other.**

**7. Special Report. Pictometry – Nancy Brelos, District Manager.**

Nancy Brelos said pictometry is something the town can utilize. She gave a demonstration of pictometry. You can locate a building, place, road, etc. You can view the dimensions of the structure/parcel. When you get to the image you want, you can view it from 4 different directions. You can measure distances or areas of images. Pictometry also enables you to measure the height of structures. Property can be viewed to verify ag exemptions. It also enables you to view structures from the past compared to what they are like now. The county GIS can be operated on this program to help determine distance from buildings to property lines, etc. The tax parcel information can be overlaid onto this program.

Marshall Taylor said 90% of the town is not at low-level. He has put additional money in his budget to do part of the town this year and part next year at low-level pictures. He believes the Planning Board and Zoning Board of Appeals would find this extremely helpful.

Councilor Bailey thinks the Justice Dept. could use this too.

**8. REPORTS.**

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

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

**a) Junk vehicle status – prioritized (multiple vehicles & long standing (apparent) violations) spreadsheet listing (in process).**

1. **2300 – 2330 Route 11 South, across from LaFayette Rural Cemetery, multiple autos & properties.**
2. **Route 11N (just north of town offices) – 2 autos, visible from LPL parking lot.**
3. **6171 Route 20 – Grand View Motel, resident complaint.**
4. **2875 Apulia Road, resident complaint.**
5. **Scheduled spring cleanup.**
  - **2774 LaFayette Road – unregistered vehicle.**
  - **2226 Route 11 – junk/no building permit.**
  - **Scheduled spring cleanup.**
6. **Oschner & Apulia Road. Junk vehicle & trash.**
7. **6783 Morezak Road. Business in A-R.**
8. **2805 Route 11A. Business in A-R.**

**b) Vehicle dismantling? – Route 11 South.**

**c) Riparian Rights. “Warning. Altering drainage flows on your property may give rise to legal action against you by impacted property owners” – building permit, subdivision process, newsletter article. \*(2)**

## **2) Dog Control: Sue Snavlin & Madeline Despres.**

Supervisor Scammell said Sue Snavlin was bitten by a dog over the weekend. There are some bills submitted tonight to cover the medical expenses of this.

### **• Shelter space shortage - options.**

Supervisor Scammell said there was a complaint that we need to talk about the shortage of shelter space. He has investigated this. We can change our contracts with the two animal shelters that we currently use. He doesn't believe at this time we need to discuss building a shelter. This can be removed from the agenda. If we do need more space, we can simply contract for more space at our existing shelters.

## **3) Highway Superintendent: Leon Cook.**

### **• Morezak Road.**

This was discussed earlier in the Meeting.

Leon Cook said the state inspected the Webster Rd. bridge and they put this bridge on the danger list. After the danger list they red flag it and then we can't cross it any more. The engineer sent him a report and said it could only be on the danger list for a certain period of time and then the federal inspector comes out. He applied for a permit from the DEC and finally got

one. He got 3 estimates from contractors to repair the bridge. They had to bid this one out because the town doesn't have the equipment to do it. He called several Highway Superintendents regarding the estimates he received. Howard Spicer and his son were recommended. Howard Spicer bid \$6,500 to do the work. The other people who bid on it were much higher and said it would take 5-7 days. It took Howard Spicer about 1 ½ days. The total cost to do the repair with the rock, stone, etc. was \$8,247.70.

They have been doing brush hogging on O'Connell, Clark Hollow, Dodge and Winacre. They did ditching on Naomi and Amidon. Cascade Creek is pretty dry now and there was a tree down that was holding the water back. They took it out. They had 3 trees that blew down. Two were on Clark Hollow and one was on Markland. They cleaned them up. They have slowed down on mowing.

The 2001 plow truck is leaking oil. You can't change the oil pan unless you pull the motor out. It takes 2 days to do this. He has this lined up to go to Courtesy Ford in two weeks. They have an oil leak on the rotary valve on another vehicle which is scheduled to be fixed. It will take 1 ½ days to fix it.

He haven't received our CHIPS money yet. He spoke to someone and they said the checks will be mailed out on the 15<sup>th</sup>.

Councilor Knapp asked if the DOT has been in touch with him about what they contemplate doing on the 4 corners.

Leon Cook said it won't happen this year or next year. They talked about putting a turning lane in on the corner. They are planning on improving Routes 20 and 11 through the Hamlet area.

Councilor Knapp said there is concern about how much land they will be taking.

Leon Cook said they will have meetings on this before they do anything.

Supervisor Scammell believes they are discussing the drainage for that area too. This is a pretty serious problem which we hope can be corrected.

Councilor Bailey asked if Leon knew of any upcoming projects with the DOT.

Leon Cook said there were signs put up redirecting traffic because the Route 81 ramp was closed while they worked on it. Today was the last day they were going to work on it. They put the signs up prior to closing the ramp.

The loader was supposed to have been here the first of September. It got delayed in manufacturing. The Board needs to decide about the financing. Chase wants 7%. Alliance Bank is 4.26% for 5 years. M & T Bank is 4.15 % for 5 years. Tom Chartrand suggested M & T which has the better rate.

**Councilor's Knapp moved and McConnell seconded the motion to finance with M&T Bank at 4.15 % for 5 years. Motion passes unanimously.**

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

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

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

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

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

- a) Intermunicipal Shared Services/Cooperation & Consolidation, 2005 Onondaga Citizens League study.**
- b) HAVA.**
- c) Apulia Road property - flooding & ice buildup: Awaiting SEMO grant application.**
- d) Route 20 Association - Scenic Byway Designation passed, Gov. Pataki's signed into law 7.29.05.**
- e) September, 2005, Buy Locally Month - Onondaga County.**

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

**1) Communications & Technology (MF/PK/MJ/MT/GS).**

- a) Town Website & email (new email(s) - code enforcement) - Digital Towpath evaluation.**
- b) New server applications (MS Office, pictometry, town website).**
- c) Mike Forte, Webmaster. August report.**

**2) Emergency Response (TB/BM).**

**a) LFD exhaust vents - grants available?**

Tom Bailey checked on this within the past week. There has been some local organizations that have been beneficiaries and we are still in there. We haven't been denied.

**b) Onondaga County Department of Communications - OCICS MOU.**

**c) Susquehanna RR brush fires created by grinding (LFD, JFD, ToL).**

**3) Employee Policies & Benefits (MJ/SS/MD).**

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

- a) 2006 assessment (Acer Forestry, David Skeval - Preliminary survey, DEC aerial survey).**
- b) 2006 strategy & alternatives. CCE?**
- c) 2006 Contingency Fund for biological issues (legal).**

- d) Legal authority to spray, use public funds to protect private investments, health issues, permissions needed, windage on neighboring properties?(KG)**
- e) 2005 Assessment of community impact.**
  - 1,098 acres (DEC map) of ~28,800 acres (~45 square miles). 3 – 4% of total land area.**
  - Mailer sent to 150 parcels. 32 interested citizens, 23 parcels who attended meeting.**

**f) Newsletter follow-up (RB).**

**5) Highway (PP/LC/DK/SP/CP).**

**6) Physical Plant (HS/DK/BM).**

- a) LaFayette Community Center: Ice buildup solution over kitchen area (Deferred until later this year). Roof leak over bathroom.**

The leak over the bathroom has been fixed.

Councilor Knapp said the Board was looking into taking care of the ice buildup problem in the fall. He will look into the solution and report at the next meeting.

Mary Jo advised Fred Groth dropped off new keys to the back door of the Community Center. The front and back door now have different locks.

Supervisor Scammell said someone has been leaving the back door open and hopefully this will solve the problem.

- b) Town offices – temperature controls (Upstate Temperature Controls proposal).**

- c) Heating/Cooling system alternatives – Clay Smith, P.E., report.**

- d) Usage charges for town facilities to offset maintenance costs. \*\***

- Community Center – budget = ~\$9k, 173 total uses, including 3 nonresident uses.**
- Stafford Park – budget = \$45/mo, electricity, 28 total uses, including 2 nonresident uses.**

It was noted most of the users are LaFayette residents.

Councilor Knapp would like to hold off on this. There is a new thermostat at the Community Center which might help. Maybe we could put up a reminder to keep the door closed.

- **Town ball fields – league fees?**

Supervisor Scammell asked Leon Cook about how much we spend mowing the fields behind the LaFayette Inn.

Leon said it doesn't take very long. The people that play there aren't that fussy.

This item will be put on hold.

**7) Recreation & Youth (DK/SS/RR).**

**a) Trash policy (remove containers) and Sunup/sunset signs (PP).**

Supervisor Scammell said there is still a trash container down at the park by the bathrooms. He doesn't know if it's still there from before or a new one.

Leon Cook thought they picked everything up.

**b) Marion Bailey Park.**

**1. Install charcoal grills.**

Councilor Knapp said the Boy Scouts will be doing this as part of their project.

Councilor McConnell will give Steve Kuhns a call about it.

Councilor Knapp said the grills at Stafford Park are being used quite often.

**2. BSA Scout Stephen Kuhns – Eagle project.**

**3. BSA Scout Peter Slowick – Eagle project.**

**4. Pavilion YCIP(?)/Local estimates.**

**5. Vandalism incident.**

**c) LaFayette Beach.**

**1. Survey/transfer LaFayette Beach from LCC to town.**

**2. Options for limiting vandalism (lighting, etc.).**

**3. Options for noise control from lacrosse box – reinforced panels.**

**4. Roof over sandbox (Herb Salladin). Bids.**

Councilor Knapp is checking on the price of an umbrella rather than a roof.

Leon Cook said the water will have to be drained pretty soon.

Supervisor Scammell asked when he will do this.

Leon Cook said sometime before it starts freezing.

**d) Polypropylene netting – Gary DePalma. Estimates for additional (Jack’s Shack, Beach) netting projects. \$2100 for Stafford Park Pavilion (DK).**

Supervisor Scammell said Gary DePalma submitted a proposal earlier for Stafford Park. He asked the Board if they wanted to go forward with this.

Councilor Knapp suggested this be discussed at budget time.

**e) Fred Stafford Park.**

**1. Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.**

- **Tully-\$12k – materials only (all volunteer labor).**

**f) Port-a-johns (removal).**

Councilor Knapp asked Mary Jo to have the port-a-johns removed from the Apple Festival Grounds.

**8) Safety (TR/SS/LC/RR).**

Leon Cook asked about the next meeting.

Councilor Smith said there is one tomorrow night.

Leon said they didn’t have one last month.

**9) School District liaisons (BM/PP).**

**10) Senior Transportation & Housing (GS/BO).**

**a) Transportation options (PP/GS).**

**b) Onondaga County Department of Aging & Youth – mobile office (reschedule).**

**11) Service Awards (DK/BM/JS/GH).**

Councilor Knapp said he called Penflex regarding a bill they submitted. It deals with the cost for members making investment changes.

**Councilor Knapp moved and McConnell seconded the motion authorizing the Supervisor to sign this agreement and for the bill to be paid.**

**Motion passed unanimously.**

**12) SOTS & OCRRA Liaison (DK/BM).**

- **OCRRA 2006-2010 contract.**

**Councilor’s Knapp moved and Smith seconded the motion to authorize the Supervisor to sign OCRRA Contract for 2006-2010 regarding tipping fees so the Highway Dept. can take stuff there. Motion passed unanimously.**

Supervisor Scammell said he doesn’t have the original contract. He noted it was addressed to Cliff Parker.

Leon Cook will check to see if it's still at the Highway Dept.

- **Syracuse Haulers contracts.**

Supervisor Scammell said the total monthly cost is \$56.70/month for the 2-yard dumpster at the Highway Dept. There is another one which costs \$99.70/month at the Town Offices. There are 2 at the parks which cost \$79.50/month.

Councilor Knapp said the 2 at the parks are seasonal.

**Councilor Knapp moved and McConnell seconded the motion authorizing the Supervisor to sign the contract. Motion passed unanimously.**

**13) Water (GS/SS).**

**a) U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan complete, seeking nonfederal (NYSDEC) cosponsor for 33% share of \$7.2M.**

**b) North East LaFayette Water district.**

**c) Smokey Hollow Service district (Coye Road Water district).**

**d) Hamlet drainage study – request submitted to NYS DOT.**

- **NYS DOT notified of subsidence behind M. Amidon's property.**

**14) Zoning Review (GS).**

**a) Jamesville Reservoir Preservation District/JRPA change.**

**b) Minor/small Subdivision procedure - streamlining suggestions (intake procedure, sketch plan conference, applicants without counsel, surveyor or engineer, submission quality, meeting frequency).**

Supervisor Scammell said the Board has reviewed this several times. He thinks they are in the discussion process of being able to just move a lot line. Notification would still be done to neighboring properties within 300'. He knows the board would like to see more improvement.

Kevin Gilligan said he will draft up a proposal for the Board to consider.

**c) Corridor Plan.**

**d) Digitized zoning map, correction & amendments.**

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

**A. Onondaga Nation land claim & land rights.**

- **Cayuga Indian Nation Land Claim – 2<sup>nd</sup> U.S. Circuit Court of Appeals decision.**
- **Oneida Indian Nation Land Claim – U.S. Supreme Court decision.**

**B. William May mobile home on Jamesville Reservoir. County court rules in town's favor.**

Kevin Gilligan said Mr. May lost his appeal and is now subject to Judge Knapp's order.

Supervisor Scammell said he is also before the Zoning Board of Appeals trying to determine if this could be considered a camp.

Councilor Knapp said the court case has been adjourned pending the outcome of the Zoning Board of Appeals.

**C. Robert Shute – Route 11.**

Kevin Gilligan said the Board has authorized his firm to transfer jurisdiction to the DeWitt Court. He is checking to see if this has been done.

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

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

**B. FOCUS 2010 - Strategic Plan survey.**

Councilor McConnell said the survey closes out on the 15<sup>th</sup> then they will start collecting data.

**C. 2006 Town-wide property revaluation.**

**D. SPDES, Phase II (BM, RL, JN, SB, JD).**

**E. Other.**

**11. NEW BUSINESS.**

- A. Set budget dates: 9.26(Mon) @ 5 – small budgets, 9.28(Wed) @ 5 – large budgets, 10.3(Mon) @ 6 – Work session #1, 10.6(Thu) @ 6 – work session #2. Budget cover sheet format.**

**Councilor's Smith moved and Knapp seconded the motion to set the above Budget dates for the 2006 Budget. Motion passed unanimously.**

**B. Reagan Agency: additional coverage.**

Supervisor Scammell said he received a letter regarding additional coverage for the town. This is coverage we had in the past and somewhere along the way, it didn't get renewed.

Councilor Knapp thinks this is something we should have but maybe the deductible could be changed a little.

Supervisor Scammell will talk to Reagan Agency about this.

**C. LaFayette Apple Festival - mass gathering permit.**

**Councilor's McConnell moved and Smith seconded the motion to grant the mass gathering permit for the Apple Festival and to waive the filing fee. Voting was as follows:**

<b>Supervisor Scammell</b>	<b>Yes</b>
<b>Councilor Smith</b>	<b>Yes</b>
<b>Councilor Knapp</b>	<b>Abstain</b>
<b>Councilor Bailey</b>	<b>Yes</b>
<b>Councilor McConnell</b>	<b>Yes</b>

**Motion passed.**

Art Goldsmith asked why the board didn't discuss the Building & CEO Report regarding the business being run on Morezak Rd.

Supervisor Scammell said as far as he knows Ralph Lamson is looking into it.

Art Goldsmith said the resident brings his equipment to and from his home. There is concern regarding whether the road can hold up with this equipment running over it all the time.

Leon Cook thinks the road will be O.K.

Pat Zangari asked about the subdivision changes. They were notified about the one on Morezak Rd. and it was advertised as a single family residence. As a concerned citizen in the community, she brought this to the Town Board's attention. She is aware that the Riparian Rights will be put on the Building Permit. Her other concern is at the Planning Board Meeting, the applicant stated they would not be running a business from their home and they are. The amount of equipment, noise and distraction of this property now she doesn't feel is being addressed.

Supervisor Scammell said he doesn't have anything formal from Ralph Lamson stating what he has found.

Pat Zangari asked if they are going to have to look at dumptrucks and equipment the rest of their lives. They moved here for peace and serenity. She sent a letter August 15<sup>th</sup> about this. She would appreciate it if it could be established how this will proceed. Can anyone set up a business when they say they are going to have a single-family residence?

Supervisor Scammell asked Kevin Gilligan if an applicant appears before the Planning Board and states they are or are not going to do something, what is the recourse if they do or don't do what they say they will?

Kevin Gilligan said the Planning Board would assume what the applicant says is true and what the application puts forward is what the applicant will be doing. At this point, if a business is being operated and it's not an agricultural business then Ralph Lamson would have to look into it and make a determination. The Town Board has no jurisdiction over it.

Councilor McConnell believes Pat Zangari deserves an answer quicker than what she is getting it. He believes we should try to track the answer down tomorrow.

Pat Zangari said they are not the only ones disturbed by this. They can't stop people from moving in but when someone presented themselves as wanting to move in and be in harmony with the neighborhood that was their expectation. They are not the only ones this is affecting.

Tom Kellish read minutes from when Mr. Carter applied to the Planning Board stating he would not be storing his equipment at his house.

Kevin Gilligan said this is an enforcement matter.

Art Goldsmith asked what is a reasonable timeframe for a person to get a response from Ralph Lamson.

Supervisor Scammell said without his deputy, Jack Sutton, who broke his leg he doesn't know.

Pat Zangari asked if other businesses could begin along Berry Rd. now.

Art Goldsmith asked if it isn't required to have a SEQR filled out by the Planning Board.

Kevin Gilligan said there would have been an environmental review process with the subdivision.

Art Goldsmith believes the SEQR form is only filled out by the applicant.

Kevin Gilligan said the front of the form is filled out by the applicant and the back is filled out by the Planning Board.

Art Goldsmith said by the applicant altering the land, the water spilled over onto Zangari's property causing damage.

Kevin Gilligan said the Planning Board reviewed it as a single family residence with no environmental impact. The applicant then went out and did something different.

Pat Zangari said he misrepresented his grading too.

Supervisor Scammell asked if there is any recourse for this.

Kevin Gilligan didn't think so.

Pat Zangari asked if this means in LaFayette you can do whatever you want if you purchase a piece of property.

Supervisor Scammell doesn't believe this is what it means. We do have regulations. He doesn't know why Ralph Lamson hasn't responded to her yet. He is the one to make this determination. He asked if we had drainage or fill regulations, would it handle a situation like this?

Kevin Gilligan said it would require someone who wanted to grade or fill a 50 acre parcel to get a permit from Ralph Lamson as well as provide insurance.

Councilor Knapp asked if SPDES will do this for the town.

Kevin Gilligan said yes. In fact, Mr. Carter might be in violation of this now. He suggested Zangari's contact the DEC about this if he has disturbed more than 1 acre.

Supervisor Scammell asked Pat Zangari to explain how Mr. Carter altered the drainage.

Pat Zangari said they might have some topography information from last year that could be used. There is a flattened out area that use to be a hill. They have put ruts in the hill that stopped drainage from running down onto their property. Apparently through the woods, Mr. Carter has cleared out a lot of vegetation. A pond has been put in. When the driveway was done apparently there were a lot of water problems. They have had dozens and dozens of Kinsella trucks coming in dumping stuff.

Councilor Bailey asked what they are dumping.

Pat Zangari said crushed stone and topsoil. The whole area is completely cleared. Zangaris' pool washed out from the drainage. The whole back area is just like jelly.

Tom Kellish asked if drainage problems could have been what affected the road.

Leon Cook said he has the drainage going under the road. There used to be a spring before you get to Carter's driveway and now this drains into a pipe which goes under the road.

Pat Zangari said she is concerned they will have developments in their community. They should be able to live in some peace when changes are made. She wants to be sure they are all safe there.

Art Goldsmith asked if it could be mandated when the Planning Board reviews someones plans that they go to the site to see what it is like.

Supervisor Scammell doesn't think it can be mandated.

Kevin Gilligan said he thinks most of the Planning Board and Zoning Board of Appeals Members do go to the sites when reviewing the applications.

Art Goldsmith thinks the pictometry would be great to put the properties before the Planning Board and Zoning Board of Appeals.

Supervisor Scammell noted everyone within 300' of the property is notified.

Mary Jo said it's actually more than that to be sure everyone is notified that should be.

It was noted most violations of town regulations are found out by a complaint being filed.

Councilor Knapp asked if Lynn Hutton is aware he needs to get insurance for any work to be done on Thunder Road.

Kevin Gilligan said they have written a letter regarding this matter but have not heard back from Mr. Hutton or his attorney.

Councilor McConnell said he was contacted by someone trying to finish up their property on Thunder Rd. who hasn't been able to get in contact with Mr. Hutton.

**12. Suggestions for improvement and positive contributions.**

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

**14. Councilor's McConnell moved and Knapp seconded the motion to audit & pay the following bills:**

<b>General Fund</b>	<b># 3967, 4010-4064</b>
<b>Highway Fund</b>	<b>#3989 – 4009</b>
<b>Special District Fund</b>	<b>#4080-4082</b>
<b>Trust &amp; Agency Fund</b>	<b>#4083-4084</b>

**Motion passed unanimously**

**15. Councilor's Bailey moved and McConnell seconded the motion to adjourn. Motion passed unanimously.**

The Regular Town Board Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk