

Minutes of the Town Board Meeting held by the LaFayette Town Board on September 10, 2007 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
Thomas Bailey, Councilor
Adrian Shute, Councilor
David Knapp, Councilor
William McConnell, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Kevin Gilligan, Town Attorney
Tom Chartrand, Bookkeeper
Mike Amidon
Jim Nakas, PB Chairman
Steve Beggs, ZBA Chairman
Dan Kuhns, ZBA Member
Jerry Doolittle, ZBA Member
Ralph Lamson, CEO
Peter Paul, Dep. Supervisor
Pat Zangari
Mike & Mindy Stiner
Richard Reichert
Tom Goslowski, LCS
Tom LaClair
Esther LaClair
Linda Pinkerton
Amy Pinkerton
Lisa Chapman
Carrie Pinkerton
Bob Drumm, ZBA
Ed Wilday, NYSDOT
Kathleen Crumb
Bill Fitzpatrick
John Kirk
Dennis Smith
Jan Watson
Dan Sawkins, LCS
Debbie Miller, LCS School Board
Linda DeSaw
Sandy Smith
Mrs. Kirk
Austin Olmsted
Jackie Eberline

1. Supervisor Scammell called the meeting to order at 6:34 p.m.

2. The Town Clerk took the Roll. All else present.
3. Pledge to our U. S. Flag. Town Councilor Dave Knapp.
4. **Councilor's Knapp moved and McConnell seconded the motion to accept prior meeting minutes of August 13, 2007, as submitted by the Town Clerk. Motion passed**
4. **PUBLIC HEARINGS. None.**
5. **COMMUNICATIONS.**

A. RESIDENTS. (Please sign in and give your name before you speak).

• **Mr. Fitzpatrick – Maple Grove concerns.**

Mike Stiner said he lives on Maple Grove Drive. The Maple Grove subdivision is just off North Road. They have some concerns about the building that is being built in their neighborhood. It's a rather large building. During the week of July 17th they started to do some site work. Around August 1st material was delivered and dumped on the ground. In the 7 weeks in between nothing happened until Tuesday of last week. American Landscaping equipment showed up most days. On Sunday, August 19th, a gentleman came in and parked his truck and took the backhoe and was gone for about 4 hours and then returned the backhoe and left. He had talked to Mark Chapman about what they are building and he had advised it would be a garage. Mike said he would be interested in selling them a garage door if they needed one. Mark told him he was looking for concrete work and the building would be 30' x 40'. He thinks this is a rather large building and doesn't fit in. On Monday morning an American Landscaping truck dumped off some material. Greg Watson was dropped off at the site and picked up another vehicle and left. He called Jack Sutton about his concerns and Jack came out to look at the site. Jack confirmed he was right that something was going on. Mark Chapman got in kind of an argument with Jack. Mark came home that afternoon and ripped out some 25 year old trees so the building was more visible on the property. On the 21st, a dump truck came, Greg Watson scooped dirt from it and left. He discussed further activities that took place on the property. He has pictures of all the vehicles. After Ralph Lamson came out to the site and wrote a letter to the Chapman's, everything disappeared. They have concerns this building will lower the property value of the neighborhood. He submitted pictures to the Board. Some of the pictures are from John Kirk's backyard. He submitted a letter from Joy Nash expressing concern about the beep, beep noise of the vehicles going out at 6:30 on a Sunday morning. They feel a building this size is too big for the neighborhood. The garage door is 10' x 12' which is rather large for just restoring vehicles.

John Kirk said he lives next door to the parcel where the building is being built. When they started clearing the area he felt it was fine. As he began seeing all the commercial vehicles there and what is being built, it's definitely an albatross in their neighborhood. He moved here about 37 years ago. He loves LaFayette and the residential area he lives in. Probably back in 1988 they were threatened with a landfill at the top of the hill in which the residents got together and said it was not what LaFayette is about. This building does not fit in with their community at all. He does not know what premises the Building Permit was gotten on. When he first moved into this area all the survey stakes were out so he went around and put some permanent survey stakes in.

There was never a survey done to show where this building is going up. He firmly believes and knows his property has been trespassed on by putting material in the creek. Stuff being put in the creek can possibly cause a conversion of water to flood his land. Before this can proceed any further, he thinks it's absolutely necessary to have a survey done so he is sure his property is not being trespassed on. This building has been pushed through quickly and it's not what he deserves or what his neighbors deserve.

Richard Reichert said he resides at 5890 Sugar Bush. He can see the structure from his backyard through the trees. He would expect to see it slightly more in the winter. He supports Mark and Lisa Chapman's right to build this structure on their property. He assumes all the criteria was met and it's in compliance with all zoning requirements. In his opinion, to say this structure is going to be used for business is purely speculative. It's like accusing someone of a crime before it's been committed. His understanding is also that the outside of the building will be done like the house. It is also his understanding that Mark and Lisa have purchased trees to help hide the view of the building. He believes the town could be putting themselves in a position for a lawsuit if Mark and Lisa aren't allowed to have this building.

Bill Fitzpatrick said unfortunately in his business he deals with people who have neighborhood disputes and frequently it's a tragic situation. For the last 21 years he has come back from the office and been thankful he and his wife haven't had to put up with what some other folks have had to in the criminal justice system. He can't think of a single problem he has had in 21 years. The last person stated that this is like accusing someone of a crime before it's committed. Some people can say it's a coincidence that they are putting up a 30' x 40' building with a 12' ceiling. To him this is preposterous. Everyone in the room knows it's going to be used for the business. Flow control, traffic safety and compatibility should all be looked at. Anyone who says his house will be worth the same after this mausoleum is built is wrong. They are asking for the Chapman's to be respectful of the neighborhood. The last person who spoke about the expense they have gone through to purchase trees wasn't there like he was to watch as Mark Chapman pull out the 25-year-old trees while he wife watched sobbing. They are just asking that a landscaping business not be located across the street from them.

Kathleen Crumb said it's really sad that neighbors have to butt their noses in sometimes about your property. It is her understanding that if she had a lot she owned and had trees on it, she would be able to cut them. She doesn't understand why it's anyone's business if she cuts them down. She pays taxes. Does she own the property she lives on? If you can't cut trees down on property you pay taxes on, it doesn't make sense. When you own a piece of property you need to keep it cleaned up and respectable for your neighbors but if you can't do what you want to, like put a swingset up for your grandkids, without someone complaining about some piddly thing it's really ridiculous. It's too bad in this day and age with all the fighting out there in the world that you have to have fighting amongst neighbors.

Pat Zangari said that she has talked about similar issues to the Town Board. You don't want to stop people from living their lives but to maintain the quality of life you moved to LaFayette to have. She showed pictures of the construction equipment they get to look at from their home on a neighbors property who said he would not be running a business from his home. Perhaps the Town would provide barriers for places they would allow people to run businesses. Possibly limiting the types of vehicles in a non-business district might help the property be compatible with the neighborhood. There are vehicles and beeping at all hours. There's a camper on an island in the Reservoir and she would like to know who approved \$40,000 in litigation for this case when they have come and

asked the Board for help with their situation so their neighborhood can all live in harmony.

Kevin Gilligan said the trailer was not in compliance with the Town Zoning Ordinance and they were cited. They sued the Town and we have been defending the town. Right now we are at the Appellate Division on this case.

Councilor Knapp said the Town has been victorious at every level.

Pat Zangari said to the tune of \$40,000.

Ruth Kirk said they have lived here some 30+ years and have never had a conflict with any of the neighbors. They have worked very hard to keep their property up. They are asking to maintain what they have worked for. It's different when it's in your backyard or right next door to you and up and down your street. Chapman's are a young couple and she applauds them for having a business. This isn't about them but about being in character with the neighborhood.

Jackie Eberline said she lives behind this property. When they built their home there was a covenant by the Watson family and they had to go to the Watson's and have their plans approved so there would be a consistency in the neighborhood. She asked if the Kirk's were original builders.

John Kirk advised who built his home. It's never been an issue before.

Jackie Eberline suggested they look at their deeds.

Kevin Gilligan said the town has no roll in restrictive covenants. Under the covenant if someone feels they are aggrieved, they can challenge the person they feel is aggrieving them.

Ralph Lamson said this is the first he has heard about stuff being pushed into the creek which he will check into tomorrow.

Supervisor Scammell asked the status of the building.

Mike Stiner said the poles are up.

Supervisor Scammell asked how you would know if there were restrictive covenants.

Kevin Gilligan said the covenants should be part of their abstracts of title.

John Kirk said if it's an A/R District and if this does proceed and it turns out to be commercial, what happens then?

Ralph Lamson said they would be cited for running a business and if they don't stop, they are brought into Town Court.

John Kirk said if there is commercial vehicles parked on the land, what happens?

Ralph Lamson said they would be cited for running a business and they would have to come to court.

Ruth Kirk said safety is going to be a big issue with trucks pulling in and out of there.

Linda Pinkerton said if there was a covenant restriction, wouldn't the 35' x 44' pole barn be covered in the covenant on the Piazza property?

Mike Stiner said Mr. Piazza got permission from the town to build the building and it's not as tall as the one being erected. He did receive a variance for that building.

Dan Sawkins said he built exactly the same barn on his property in a residential area. It's a storage building. He stores his tractor in there, etc. He doesn't run a business out of it. Were these folks issued a Building Permit?

Ralph Lamson said yes.

Dan Sawkins said then they have met all the requirements for the Town of LaFayette. These folks didn't do anything wrong. There is always going to be commercial vehicles pulling in and out of a building site when it's something is being

built. These people are doing something that they believe is completely legal for them to do.

Mike Stiner said he understands when you build a building you have these things. That is not the issue. The issue is the American Landscaping, Watson Landscaping trucks, etc. They are all parked in a line in the pictures. They see what's going to happen and they are trying to stop it. Mark Chapman told him Friday that he has another building and doesn't need to use this building for his business. This building is too big for what he is going to do with it. He doesn't want Mark fined for having a landscaping vehicle on his property. Don't say you have trucks coming and going for the building when for 7 weeks the material sat on the ground. Their concern is in the future when they have trucks on the property and Ralph can't come out right away to see them. Jack Sutton was very helpful when he came out that day. They think Mark is skirting the law and they will have commercial vehicles there and the structure is not compatible with the neighborhood. Did Ralph Lamson go out and look at the site before he issued the permit? This isn't going to fit. Even though the Chapman's have planted trees, he can still see the building. He submitted a letter written by Joy Nash.

Supervisor Scammell read the letter as follows:

"I am writing this letter as I am not able to attend the LaFayette Town Board Meeting tonight and I would like to voice my feelings on the construction occurring across from 5940 Maple Grove Drive.

The building backs up to my property behind my house. I do not have an issue with the owners building a storage shed or garage for residential use. The huge driveway and the size of the building leads me to believe otherwise. I am concerned that heavy equipment will frequent the property and the noise as well as the view will have a negative impact on the neighborhood.

I chose this neighborhood because it is quiet. I have also experienced the "beep, beep, beep" of heavy equipment on this property recently. It occurred at 6:30 a.m. on a Sunday morning in the recent past. I am concerned when the leaves fall what I will see from my deck and back windows. The view of the back was again a big reason we chose this property.

Again I want to state, I don't have an issue with what residents build on their property as long as it doesn't detract from the neighborhood.

Sincerely,

Joy A. Nash"

John Kirk asked if they advertise in the phone book and give this as their address, is that a total violation? If this turns out to be in complete violation of the area it's in, will the business totally be shut down?

Ralph Lamson said they cannot have a business there.

John Kirk said if this has any kind of advertising as a commercial site, it will have to be shut down.

Ralph said yes. A commercial business is not allowed in that neighborhood.

Bill Fitzpatrick said some people tonight in their comments have tried to make this an issue of freedom. We are not Otisco. He doesn't have any objection to the barn on Sturgen Drive. The question is and has always been in his mind a phenomenal, fantastic coincidence that in the week Mark Chapman is told he will be taking over a business he decides he needs a 30' x 40' building with a 12' ceiling. He doesn't want to go through Ralph Lamson having to cite these people. There was 3 weeks of commercial traffic going on while no construction was taking place. There was no conversation with the neighbors. He thinks they are going to run a business out of there. He doesn't want

to be sitting here for 3 years in litigation on this. It's not a coincidence that these two things happened at the same time.

Supervisor Scammell asked Ralph Lamson if the building is being properly built.

Ralph said yes.

Councilor Bailey asked if there is any way to research any existing NYS case law in respect to the issue of the compatibility of the dimensions of the detached structure in a subdivision. He asked if the setbacks were reviewed before the building permit was issued.

Ralph said yes. Once the structure is built they are required to provide a survey showing the structure on it to be sure the setbacks are met.

Councilor Bailey feels the Board has a responsibility to the rest of the neighbors regarding size and scope of buildings in that neighborhood. The Board should review the R1 District to prevent something like this from happening there again.

Kevin Gilligan said the construction of the pole barn/garage is defined by two items: our Zoning Ordinance and the NYS Building Code. Our Zoning Ordinance has one residential district which is Agricultural/Residential. The same things that apply to farm land apply to this area. There really is no restriction in our ordinance and the size and type of this structure is conforming with our ordinance. Having said that, the district does not allow a commercial operation. From what he has heard, it sounds like he was starting to do that before the garage was built. Ralph Lamson advised him no business could take place there and it stopped. In the future if commercial activities take place, we could cite the Chapman's or a court order could be obtained to restrict them. What must be understood is that there can be no commercial operation there. You can't store construction vehicles there, no backhoes, etc. and no oil changes or maintenance on the equipment can take place. It's not a Business District but an Agricultural/Residential District.

Supervisor Scammell asked what factors would comprise of operating a business there?

Kevin Gilligan said all the things he just mentioned. He believes if there is any commercial operation on the site, we will hear pretty quickly and Ralph will handle it. The Chapman's have been told they cannot have any business operating from this site. You can't have employees coming there and taking stored vehicles to go do work. This can't be a staging location. This is their house and they can live there.

Supervisor Scammell confirmed a letter had been issued to the Chapman's advising them of this.

Ralph said yes.

Supervisor Scammell read the letter sent and said it seems clear to him.

John Kirk asked about the probability of trespassing on his property. Is it up to him to prove this?

Kevin Gilligan asked if a survey was turned in when the Building Permit was drawn.

Ralph said no. They looked at the plat plan. He believes Mr. Kirk is talking about dirt being pushed onto his property.

John Kirk said pushing things into the creek and pushing stuff onto his property.

Kevin said trespassing is between the two property owners to handle.

Supervisor Scammell asked if depositing material in the creek is a town issue or the DEC.

Ralph said both. He is not sure if this is an actual creek or formed by runoff.

John Kirk believes it's protected land.

Ralph asked if it's the same one that runs down Mr. Warner's property. If so, there were some concerns about this a few years ago and they talked to the DEC who didn't want to do anything with it.

Supervisor Scammell asked in what way the town would have jurisdiction.

Ralph said possibly under SPDES.

Bill Fitzpatrick asked what is too big of a structure to get a Building Permit?

Ralph Lamson said there's not a limitation on size. There is a height limitation.

Supervisor Scammell asked what the height limitation is.

Ralph said 35'.

Kevin Gilligan said you are limited by setbacks.

Supervisor Scammell said it looks like we have a building under construction which the resident has been issued a Building Permit for. He confirmed Ralph felt the Building Permit was O.K.

Ralph said yes.

Supervisor Scammell said Ralph will look into the creek matter. The Town Board will look into residential areas and sizes of structures.

Mike Stiner said he has been researching this for the past couple of weeks and LaFayette is one of the only ones in Onondaga County that doesn't have a spot on the Building Permit application which states this is compatible with the neighborhood or conforms with the surroundings. Saturday he got two pictures of two guys building this building and they were urinating which he doesn't appreciate. Earlier in the week one guy changed his clothes right out in front of the house in front of his wife.

Supervisor Scammell asked Ralph about this.

Ralph Lamson said if we ask the question, who is going to determine if the structure is compatible with the neighborhood.?

Mindy Stiner said he could go around and ask the neighbors about it.

Ralph asked if every time a Building Permit is issued he should ask the neighbors.

Supervisor Scammell asked Kevin Gilligan about this.

Kevin Gilligan said he hasn't heard of this before on a standard Building Permit.

Ralph said if someone goes for a variance, this question comes up and the Zoning Board of Appeals makes a decision.

Supervisor Scammell said they can follow-up to see if they have restrictive covenants in their deeds. He asked Kevin what they should do.

Kevin Gilligan said pull out the abstracts and read them. They should state whether the Chapman's property is part of this.

Supervisor Scammell asked what they do if they find something they believe would be in violation.

Kevin said they could hire an attorney to try to make the neighbor comply.

Supervisor Scammell asked if a group would have to do this.

Kevin said it could be a group or an individual.

Pat Zangari said she read in one of the LaFayette Newsletters about keeping the growth of the Hamlet consistent with the neighborhood. She asked if the growth of the town is being reviewed to keep it in contrast with the neighborhoods.

Supervisor Scammell believes LaFayette has been growing over the past few years and these complaints have increased. As complaints come, the Board needs to ask if the town does need to be more restrictive and form zoning like R-1 or R-2 Districts. If this area was zoned R-1, what would happen to the things already going on there?

Kevin said as long as they were legal at the time they were built, they would continue as non-conforming uses.

Pete Paul asked who did the original subdivision plan.

Janice Watson said Bob Watson.

Pete Paul asked if it could be possible that something was put in the original subdivision map approval.

Mary Jo Kelly will check on this.

Councilor Bailey asked when the development first started, was it Maple Grove or Sugar Bush?

John Kirk said it was Maple Grove and then there was an extension south to Sugar Bush.

Councilor McConnell said the subdivision went through the Planning Board process. We have not defined restrictions in developed areas and we should do this. In doing that, relief would come for the C.E.O. in making these calls. This needs to be started immediately. This is not a new subject. The Building Permit was given and it's not to be used as a non-conforming operation. There should be a process when it impacts neighborhoods. In this case he doesn't expect to have the C.E.O. go up there and cite anyone. He is taking the Chapman's at their word. The Town Board has no control over what was approved at this point. What will the building look like in the end result? Will it add or detract from the community?

Lisa Chapman said it will match the house.

Councilor McConnell said he doesn't expect the C.E.O. to have to go up there continuously check on this. The Town Board should review restrictions for residential areas.

Ruth Kirk asked if there is not going to be all these commercial vehicles housed in the building, what's going to be in there?

Councilor McConnell said he was advised it would be used for Mr. Chapman's hobby which is working on old vehicles. His expectation is that this building will be used for storage of personal property and hobbies and will be compatible traffic-wise with the neighborhood.

John Kirk said if that is true, they don't have an issue.

Councilor McConnell asked if the Chapman's responded to Ralph's letter.

Ralph said when he spoke to the Chapman's they advised they would not be running a business from this property.

Councilor McConnell said he was told by Greg Watson that American Landscaping would be housed out of the building on Route 11.

Lisa Chapman said this is a small business. Her husband is a sheriff and has a right to come home and have his personal things in the garage. He was going to build the building himself but because it would take too long for him to do it on his days off, they hired someone to build it so he wouldn't have his vehicles up there to work on it.

Councilor McConnell said we have confirmation that a business will not be taking place and he would hope the building architecturally would fit in with the existing neighborhood.

Councilor Shute said he has talked to the Chapman's about this. He believes they understand there is not to be a business there and they confirmed they are not going to run a business there. They understand if they should change their mind and start running a business there would be consequences. It seems the Chapman's have been taking into account what the neighbors will be looking at. At this point he doesn't think there is anything the town can do so it would be much better to try to mend some of this and start working together again.

John Kirk believes the Board is listening to him. He invited the Board to come to his property to see the view that he is going to have. It's just an absolute eyesore from his property. This will decrease his property value. He feels the Board is asking him to take a blunt hit on this. This is his personal concern. This is definitely not fitting within the neighborhood. There is nothing in the area that will resemble this. He believes the Board should have some compassion as to what is going up in his backyard. He now has a barn in his backyard that this neighborhood does not deserve.

Mike Stiner said Friday Mark Chapman made a proposition to him that if he gave him \$50,000, he wouldn't build the building. He hopes the Board does change the rules and regulations and have a restriction on building sizes and heights that are a lot under 35' and that are compatible with the neighborhood. John Kirk, the Nash's and himself are the most affected by this. The value of their property will go down. He understands the town's position. He hopes the town does change the rules so they don't end up with someone else building an eyesore like this in Maple Grove estates.

Councilor Knapp asked if there is any requirements for Building Permits if they meet the setbacks.

Kevin Gilligan said no. Building Permits are issued every day for houses, etc. They are considered an administrative procedure.

Supervisor Scammell asked if it would have mattered if the building were farther away from them.

Mike Stiner said it's as far back from him as it can be. He is the least impacted of the neighbors by this. Four weeks ago he was at Mark and Lisa's house admiring the tiling work Mark has done. He has known Lisa for a long time. She used to babysit for Fitzpatrick's. He bought his house from Pinkerton's. This is not against the Chapman's.

Supervisor Scammell asked the current height of the building.

Lisa Chapman said 12'.

Ralph Lamson believes it's 12' with a 4 ½' pitch. He thinks it's 16' – 18'.

Supervisor Scammell asked if it were 5' – 10' lower would it have mattered?

Bill Fitzpatrick said if it were compatible with the neighborhood.

Mike Stiner said if the building was like Ralph Lamson's garage.

Ralph said it's the same height.

Mike Stiner didn't think so.

Ralph said he built his garage and knows the height of it.

John Kirk said as much as it's not compatible with the neighborhood, being shorter would be better. The big concern is that it be non-commercial.

Councilor Bailey asked if it would be worthwhile for legal counsel to do some research to see if there is any existing case law regarding the devaluation of properties regarding a detached structure not in conformity with the neighborhood.

Kevin Gilligan said there's not an ordinance that will change what the town ordinance says.

Councilor Bailey asked if there is any jurisdiction that led to a law case that is similar to what's going on here.

Kevin Gilligan said no. The town ordinance allows this building. The same rules apply on this property that would apply on a farm.

Councilor Bailey asked if it would be beneficial to issue a Cease Work Order until counsel can look into this. He asked about the negative impact on the neighborhood.

Kevin said when this was originally adopted it was determined legislatively that these buildings are compatible in Agricultural/Residential Districts. You aren't going to find any way to stop that building from being built when your own ordinance allows it.

Supervisor Scammell asked for any other questions or comments. There were none.

Supervisor Scammell said we have representatives from the N.Y.S. D.O.T. present to discuss the reconstruction plans for the intersection of Route 11 and Route 20.

Ed Wilday said they were asked to produce a time-line as the town is considering sewer and water.

Councilor McConnell said the town is just looking into it.

Ed Wilday said the department held a public meeting in 2006 and at that time they thought they would have the project starting in 2009. The biggest issue the department had at that time was they didn't have anyone to do the design. Right now he and Barb and Bob have come up with ideas regarding parking, etc. which haven't been approved by the department yet. They are not even sure the 3 of them like the design yet. Basically from the intersection north on Route 11 there seems to be a need for shoulders as there is currently parking there now by trucks. They are probably looking at a curbed section here. South on Route 11 it gets very tight and congested. They do perceive there's a need for parking. There's a need for a sidewalk but they aren't sure how these items are going to fit. They are talking about carrying sidewalks as far south as the LaFayette Inn on the west side and to the Health Center on the east side. On Route 20 west of the intersection there seems to be a need for a 3 lane road and the area doesn't seem to need much parking. They see this area as having sidewalks on both sides. On Route 20 east of the intersection they see there isn't a lot of commercial. You will need a 3 lane section at the intersection. They don't really see a need for carrying parking up the hill. They are concerned about the steepness of the grade there. They don't want it so wide they encourage people to park but not so narrow it becomes dangerous in the winter when it's slippery.

Councilor Knapp said it does get slippery in the winter.

Ed Wilday said they see carrying closed drainage and sidewalks probably to the church. They do have a time-line to share. He spoke with Mr. McConnell a little before the meeting. They thought it was going to be early 2010 but he thinks it will be later than that.

Supervisor Scammell asked about the sidewalk going on Route 20 east.

Ed Wilday said the 3 of them suggested they go as far as the church. There's going to be problems with this. This has to be approved by the department yet. This is only the 3 of them proposing to do this at this time.

Councilor McConnell asked if this would require property purchase.

Ed Wilday said if they look at what they show for their property boundary right-of-way there are sections where the existing sidewalk is completely outside their right-of-way. Sidewalks are really part of the transportation system and need to be in compliance. Where they don't own the sidewalks already they will be purchasing the property. There seems to be a section where no one seems to own it.

Councilor Knapp asked who put the sidewalks in.

Supervisor Scammell said someone through Community Development.

Ed Wilday said they need to rectify this situation. If they put the pen to paper and run their plans through the department, they may find they need strips of right-of-way to accommodate what they come up with. They need to treat the water under SPDES and he doesn't know where they are going to do this. Some of it may go to the I81 right-of-way. All the water doesn't run this way. One of the limitations they have is that they are not allowed to do work on private property. Chances are they will have to take an

easement or right-of-way to address the problem. There are a whole lot of things yet to be done.

Councilor Knapp asked how many kids walk to school.

Dan Sawkins said every child is assigned to a bus. He would say not more than twenty.

Ralph Lamson thinks that would be pretty high. He thinks there's 3-5 now.

Dan Sawkins asked about the drainage form the east to west down Route 20. Is it the same kind of concept we have now? The LFD has had to go help folks who get hung up going in or out of their driveways due to the ditches at the end of them.

Ed Wilday said they will have to review this.

Councilor McConnell asked how the town keeps a dialogue with them on this.

Ed Wilday said there's nothing that says they can't do what they want to do regarding communication. If the town would like them to come out once every quarter to give an update, they can do this. If the town wants to form a committee to keep in touch with them, that is fine. They are open to a lot of things. The last thing they want to do is spend time on plans and bring them to the town and then have the town not like them. They held one public meeting already.

Councilor Knapp said the town was very happy with that.

Ed Wilday said they can hold more of them. He needs to see where the department is on some of these things before he presents them to the town. He asked the Board what they would like him to do.

Councilor McConnell noted the project is a 1 ½ year project on Barbara's timeline.

Ed Wilday said there's a lot of things that are going to eat up time. The complexity of other projects Bob is working on and the complexity of this one. If they put this out to bid in the fall of 2010, by the time they move utilities and get the contractor started in the spring of 2010, he doesn't think they will complete the work that year.

Councilor Knapp confirmed they will have two summer construction periods.

Ed Wilday said basically. They haven't determined how they will control traffic during this time. He thinks it will be more than a one season project.

Councilor Shute asked why this became a replanning of the 4 corners rather than just paving.

Bob said drainage.

Ed Wilday said drainage was certainly one item. The pavement condition was a concern. Generally if they can resurface something they will do it so as it's a lot cheaper. There is probably some underlying facts requiring more.

Councilor Shute asked if someone else determines the need for this and then they are called in to do the design.

Ed Wilday said he wasn't involved in determining the need. Once drainage and pavement were needed, they were brought in to determine the cost, etc.

Councilor Bailey asked if this includes removal of the current material.

Ed Wilday said yes.

Leon Cook asked what happens to the storm sewer line that is behind the buildings which starts behind where the old library was and comes underneath the body shop and underneath the corner of Mike Amidon's building and out in front of the Community Center. Will this be included?

Ed Wilday said the department's obligation is to get the water that comes to them and pass it on to where it was before. There are some very odd pipes. He doesn't have

all the answers right now as to whether they are going to make improvements i.e. to capture the water before it goes under a building.

Leon said water comes down Route 11 going north to where the diner is and when you have a heavy rain, it floods out everything including Mike Amidon's garage.

Ed Wilday said when they get into a drainage system this old that was designed one puddle at a time and when the job is finished there will be a lot more inlets than what is there now which will address this problem. They will handle water that comes into their right-of-way. The question is how far they will reach out to capture the water.

Councilor Bailey asked if there will be any remediation work at the intersection between now and then.

Ed Wilday said the normal maintenance.

Councilor Bailey confirmed we just need to call them about potholes, etc.

Ed Wilday said yes. You would call the residential engineer.

Councilor McConnell asked if this project has been kicked down the road because of sourcing and engineering.

Ed Wilday said right now it's his opinion that they haven't been able to bring consultant engineers on in a timely manner and the designers he has are currently fully engaged. In his mind it's a personnel issue.

Supervisor Scammell said a quarterly report would be fine with him.

Dan Sawkins asked if the state has an easement through someone's property, is the state required to maintain that easement?

Ed Wilday said the state being the State D.O.T. If it's their pipe, they installed it and they had the easement for it, yes. If there's no easement, who's pipe is it?

Dan Sawkins confirmed if it's in the state right-of-way, it's their responsibility.

Ed Wilday said yes.

Dan Sawkins said there used to be a manhole in front of the VFW and in the late 90's it got plugged. The way it was solved is that it was filled in with concrete. There were actually two manholes there. He thinks this created 95% of the problem. Now the LFD gets blamed for the flooding. They built their building and have a lot of concrete and there is water running down to Route 11. He believes the problem was caused when the manhole was filled in. When this construction starts, he has 30 vehicles that have to leave and return to the school. How will they get these buses out and the kids to school in a timely fashion? He hopes during the planning process there is some consideration of this.

Councilor McConnell asked Ed to estimate what will happen to Mike Amidon's building on the corner. Is there a reason to doubt that the building can stay standing if Mike chooses to restore it?

Councilor Knapp said we are looking to apply to Restore New York for grant money for this. He would hate to spend a lot of money for this and have the D.O.T. come in and in 2010 say they are going to take the building.

Ed Wilday presented a plan to the Board of where they show the D.O.T. right-of-way. It was noted one line looks like it could go 6' into the building owned by Mike.

Further discussion took place with the Town Board regarding the plans.

The Board thanked the folks from the D.O.T for coming.

Councilor Knapp said the Maple Grove matter is going before the Zoning Board of Appeals.

Mary Jo said Mr. Stiner was placed on the ZBA Agenda in case he wanted to discuss the Zoning Ordinance with them. She isn't sure he will still want to be on the agenda after being advised the Chapman's are in compliance.

- **Other.**

B. NYS DEC: Tennessee Gas Pipeline – Article 19 Air Title V Facility, Notice of Complete Application.

C. NYS Department of Taxation & Finance: fuel purchased with government credit cards on or after 9.01.07.

D. New York Farm Bureau: compliance guidelines for employers with no-match letter attached.

E. NYS Workers' Compensation Board: permit compliance mandates.

Councilor Knapp asked about the Workers Compensation Insurance.

Kevin Gilligan said whenever Ralph Lamson issues Building Permits, he has to be sure there is insurance for the people who do the work. He's already been doing this.

Ralph said the requirement for Worker's Compensation Insurance started about 3 years ago but Liability Insurance has been required since before he became C.E.O.

F. Syracuse Post-Standard, 08.17.07, "Ratings places 11 CNY colleges among the best".

G. Onondaga County Health Department: LaFayette Commons water testing (satisfactory).

H. LaFayette Apple Festival: public assembly permit application.

Councilor's Shute moved and McConnell seconded the motion to grant the Mass Gathering Permit for the Apple Festival. Motion passed unanimously.

I. National Grid: Keyspan acquisition.

J. Syracuse Post-Standard, 08.17.07, "Jobless Rate Falls to 4.4%".

K. NYS Senator John DeFrancisco: Article X, Public Service Law acknowledgement.

L. Other.

Supervisor Scammell opened the public hearing for Local Law D-2007 to establish minimum erosion/sediment and Stormwater Management Requirements and Controls in the Town of LaFayette. He asked for any questions or comments. There were none.

Councilor Shute confirmed these laws are only for the MS-4 Area.

Kevin Gilligan said yes.

There were no further questions or comments.

Councilor's McConnell moved and Knapp seconded the motion to close the public hearing. Motion passed unanimously.

Supervisor Scammell opened the public hearing for Local Law E-2007 which is an amendment to the Town of LaFayette Subdivision Regulations as previously amended subjecting "land development activities" in MS4 areas to the requirements of the Erosion/Sediment Control and Stormwater Management local law to be enacted simultaneously therewith. He asked for any questions or comments.

There were none.

Councilor's Knapp moved and McConnell seconded the motion to close the public hearing. Motion passed unanimously.

Supervisor Scammell opened the public hearing for the Amendment to the Town of LaFayette Zoning Ordinance as previously amended, subjecting "land development activities" in MS4 areas to the requirements of the Erosion/Sediment Control and Stormwater Management local law to be enacted simultaneously therewith. He asked for any questions or comments.

There were none.

Councilor's Bailey moved and Knapp seconded the motion to close the public hearing. Motion passed unanimously.

Kevin Gilligan said no action can be taken on these as we haven't heard back from County Planning.

Supervisor Scammell said John Dunkle sent an email as he was unable to attend tonight's meeting advising all the water line is now in. They are in the process of testing and installing the services. At this point he would suggest that the first week of October, when they are done, a letter be sent to all residents telling them it's O.K. to hook up and that they have to do it before the end of the year.

John said tonight the Board will be authorizing a temporary \$90,000 payment to the contractor from the Town budget. This will complete payment of the amount they are owed from their late July invoice. The town will be reimbursed as soon as the EPA funds are available.

John advised the contractor has submitted another pay request for \$170,000 that will be paid when EPA comes through with their grant money. He told them it might take a little while since we are still pushing EPA to do their thing, and all other sources of money have been used. Jim Walsh's office is helping out with the EPA.

Onondaga County will be repaving Apulia Road this fall when we are done.

Councilor's Bailey moved and Knapp seconded the motion to approve a \$90,000 payment to LaFleur Contractors for installation of the water lines. Motion passed unanimously.

6. **SPECIAL REPORTS**. NYS DOT. Given earlier in the meeting.

7. **REPORTS**.

A. **DEPARTMENTAL (4th Monday).**

- 1) **Assessors: Mary Doster, Marshall Taylor & Jim Munnell.**
- 2) **Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.**

- a) **2386 Route 11A – Home occupation/Business in Agricultural-Residential.**

- **Springhill Construction - court 08.29.07, referred to ZBA.**

Supervisor Scammell asked if this is before the Zoning Board of Appeals.

Ralph Lamson said yes. We are looking for a determination from them.

Supervisor Scammell asked if he would look into the debris in the creek on Maple Grove.

Ralph said yes.

- b) **3081 Webb Road – property cleanup needed, letter sent.**
- c) **2880 Route 11A – property cleanup needed, letter sent, contract for cleanup.**
- d) **3669 Eager Road – dumping (letter sent, 7/07).**
- e) **3303 Apulia Road – vehicles (letter sent, 7/01).**
- f) **3965 Coye Road – vehicles (letter sent, 7/01).**
- g) **2966 Sentinel Heights Road – burned out vehicle & structure & two unlicensed vehicles.**
- h) **Maple Grove building permit/ZBA agenda.**

- 3) **Dog Control: Jim Moore & Doug Scholes.**

- 4) **Highway Superintendent: Leon Cook.**

- **\$39,171 to be received for '07-08 CHIPS funding – NYS Senator John DeFrancisco.**

- 5) **Justice Court: Malcolm Knapp & Maureen Perrin.**

- **Unified Court System 06.13.07 request for most recent audit or examination of records (no response).**
- **July monthly report.**

- 6) **Library Director: Scott Kushner.**

- 7) **Recreation Director: Regina Reinschmidt.**

- 8) **Tax Collector: Teresa Mech.**

- **Delinquent tax collection matter.**

- 9) **Town Clerk: Mary Jo Kelly.**

- 10) **Town Supervisor: Greg Scammell.**

- a) **Business demand survey.**

Supervisor Scammell said he will be doing a survey regarding business demands.

- b) **Sky Heights subdivision - Tully.**

B. COMMITTEE (2nd Monday).

- 1) **Agriculture (Dave Knapp & Mary Jo Kelly).**
- 2) **Communications & Technology (Mike Forte, Pat Keefe Mary Jo Kelly, Marshall Taylor, & Greg Scammell).**
 - **Town Website (functional requirements, transition to Digital Towpath, parallel operations, URL name (now townoflafayette.com, possibly townoflafayette.org or lafayette.ny.us.gov), email addresses, conversion & file transfers.**
 - **Senior website being designed by S.U. student Gail Burleigh.**
- 3) **Economic Development (Bill McConnell & Greg Scammell).**
 - a) **LaFayette Hotel/Amidon Building – Thoma Redevelopment Report for LaFayette Hotel. NY Restore.**

Councilor McConnell said Mike Amidon is here tonight to discuss whether to go forward with the Restore New York Grant. These grants were started by Governor Pataki and every year it's an unknown gamble whether they will be offered.

Mike Amidon said at this point he would just like to sit on the grant as he doesn't know what will happen. He doesn't know what this does in regard to Thoma and the \$1,800 we were supposed to come up with.

Councilor McConnell said if Mike decides he doesn't want to go forward with this, he will call Mr. Thoma tomorrow.

Mike said he feels he is stuck right in the middle here. If we all put money into this building and there's \$400,000 in it and the D.O.T. says they are going to take the building and they feel it's only worth \$100,000, we will all loose. If he can put some kind of business in there like storage that is low-key and doesn't require a bathroom, that is what he would like to have a variance for. Maybe he would only ask for one for 3-4 years. At the end of that time if the state doesn't take the building, the town can say O.K. Mike, your variance is done and the D.O.T. didn't take the building so you have to come up with something else. He would like to get a variance for some kind of low-key business there.

Kevin Gilligan said other than what's allowed in the Hamlet, the Ordinance would have to be amended or he would have to apply for a variance.

Councilor Knapp asked what the criteria is for a use variance.

Jerry Doolittle said the way it's spelled out in the regulations, he has to prove it isn't a self-created hardship and when Mike bought the building he knew what it was zoned as so it will be almost impossible to get.

Councilor McConnell said until tonight he doesn't think anyone knew the surveyor's determination that the D.O.T.'s right-of-way goes 6' into the property. This is a hardship Mike didn't know about.

Ralph Lamson asked if the possibility the state would take the building could be used as a hardship.

Kevin would think it could be used.

Ralph wondered if he could apply for a variance for a low impact business in light of the D.O.T. possibly taking the building in a few years.

Councilor McConnell would propose Mike go the Zoning Board of Appeals and petition for a variance rather than amend the Zoning Ordinance. He asked if there is such a thing as a temporary variance.

Jerry Doolittle has never seen one.

Mary Jo asked if they could grant it with a time-frame as one of the conditions.

Kevin Gilligan said the ZBA has to go through the criteria that is in the Zoning Ordinance. It could be with the statement of facts we have that he has met the criteria.

Mike said if the ZBA votes it down, how much property do you need to build on in the Hamlet?

Ralph said Mike would be allowed to build on the existing lot but he would probably need a variance for the setbacks.

The Board was in agreement to stop going forward with the Restore New York Grant.

Mike asked to be notified when the D.O.T. comes again in 3 months.

b) Focus 2010.

c) Hamlet sanitary sewer district.

d) Hamlet water district – survey proposal.

Councilor McConnell said the hamlet water/sewer proposal was discussed at the last meeting. He is looking for the Town Board's comments, discussion and where they want to move on it.

Supervisor said he can only find about 75 properties within the project vicinity.

Councilor McConnell said the large numbers came from an earlier discussion which took in a larger area.

Supervisor Scammell said on the survey rather than asking what the resident's would be willing to pay, he would suggest putting some boxes there for them to check with amounts in them. He would also recommend a spot where people can check if they are not interested in paying anything.

Mike Amidon asked if the resident's could be told it would raise the value of their property if this goes forward.

Supervisor Scammell said the Assessor's Office might be able to give us some idea of the percentage of increase it would be to property value.

Jerry Doolittle asked if the town would be charging only the people who buy into it or would it be any LaFayette taxpayer.

Supervisor Scammell said all people within the district boundary pay and those outside the district don't have to pay.

Councilor Shute said it could be a large area.

Jerry Doolittle said if you go down Route 11, you could be causing a hardship for people in the apartments that don't want to pay more for water.

Councilor McConnell said this is based on the conceptual design of the water district area. How far do we want to go on Route 11?

Mike Amidon asked where the water would come from.

Councilor McConnell said that would be determined.

Councilor's McConnell moved and Knapp seconded the motion to go forward with the Hamlet Water District Survey. Motion passed unanimously.

Councilor McConnell asked if the survey should go to 150 resident's or less. If you send it to 150-300 resident's the cost is \$300 more and we can define the scope of the area.

Supervisor Scammell would recommend doing the survey in the scope of the area the D.O.T.'s project will occur. If it comes back that 70 people want it, we can determine the desire is very strong. His experience has been if you expand it out further, density drops and the cost goes up.

Councilor Knapp would recommend starting with a smaller area first.

Councilor McConnell said the high school is very interested in this.

Councilor Knapp said the main problem at the high school is septic.

Councilor McConnell believes it would be more economical to do the survey once.

Supervisor Scammell said another question that could be added to the survey is if the resident is happy with the water quality and quantity they have now.

Councilor's Knapp moved and McConnell seconded the motion to proceed with the survey for 150-300 resident's. Motion passed unanimously.

e) Grants – Ms. Thau, contract (KG & BM).

f) Thoma/Comprehensive Plan proposal.

4) Emergency Response (Tom Bailey, Bill McConnell, "Pete" Paul).

a) Onondaga County Department of Communications - OCICS.

Councilor Bailey will be reporting to County Emergency Management about the facilities in LaFayette that could be deemed as emergency stations.

Councilor Knapp asked if the schools and churches could be used.

Councilor Bailey would isolate them to the town government building and the fire department.

b) NYS PSC – TSP (Telecommunications Service Priority) (BM).

c) Pandemic/Avian/Bird Flu.

d) NIMS training (TB members, etc.).

e) AED's & training for town offices, library & Onondaga County Soil & Water.

f) Pets Evacuation & Transportation Standards Act of 2006.

g) NIMS workshop.

h) NIMS contact information (05.07.07 letter)

- **Local resolution similar to county's needed?**

- **Jurisdiction contact sheet**

- **CNY Business Journal – "Legal, HR considerations before a pandemic flu strikes. "**

i) Contact Greg Hoxie, AEDs.

Supervisor Scammell asked Councilor Bailey if he got to talk to Greg Hoxie about the defibrillators.

Councilor Bailey said yes. He just wants to confirm it's the same manufacturer they discussed earlier.

j) Mass shelter response.

5) Employee Policies & Benefits (Mary Jo Kelly, Adrian Shute & Mary Doster).

- **NYS Deferred Employee Compensation Plan (evaluate).**

Councilor Shute will talk to Tom Chartrand about this before a decision is made.

- **CNY Business Journal – “Prepare Now for New Law Protecting Social Security Numbers” (audit).**
- **Up to date posters (minimum wage, etc.)**

6) Environmental & Conservation Advisory Board (Rainer Brocke, Barb Ferro, Knowlton Foote, Eileen Gilligan & Nancy Mueller, open position).

7) Highway (“Pete” Paul, Leon Cook, Dave Knapp, Sumner Palmer & John Greeley).

Councilor Knapp said they had a meeting last week which was very productive. They discussed some neighbor issues and the upcoming budget. They are going to be going through the town to look at some of the roads this week.

8) Physical Plant (Herb Salladin, Dave Knapp & Bill McConnell).

Councilor Knapp said the county doesn’t want to have any stand alone voting districts any more. They have moved District 1 to the fire barn on Route 11 to be with District 2. They have also decided to close the Beach House for District 4 and have moved it to the County D.O.T. in Jamesville. He is going to put a note up at the fire barn in Cardiff and on the Jamesville Beach House fence advising resident’s where the poling spots have been moved to. Mary Jo will also put this in the next LaFayette Newsletter. The poles for primary will be open 12:00 Noon to 9:00 pm.

- a) **Heating/Cooling system alts & new temperature controls - RFP, deferred until 2007 (water softener needed?, energy source options(natural gas, heating oil equivalent prices)).**
- b) **Fire & smoke alarms at Town Offices (1st & 2nd floor) & Community Center. Code requirements (Rick Storrier/DK).**
- c) **Town offices - thermostats (DK).**
- d) **Town offices - Loose clapboards.**
- e) **HAVA/ADA polling place compliance.**
- f) **Stafford Park – carry in, carry out signs?**
- g) **Community Center – furnace cleaning & handrail.**

Councilor Knapp advised the furnace has been cleaned.

Herb Salladin is looking into the handrail.

Councilor Shute thought we just had to paint the front steps but apparently the boards are rotted out and need to be replaced at the Community Center.

9) Recreation & Youth (Dave Knapp, Adrian Shute, Regina Reinschmidt).

a) Marion Bailey Park.

1. Short term.

- **New trees & maintenance (stump removal & tree trimming) to existing trees -94%.**

Councilor McConnell said he spoke to Watson’s and they have the trees all ready. He has a call into Dave Anthony to get and plant the trees after the Apple Festival.

Councilor Knapp said Optimist Club bought some bleachers in green that will match the playground equipment which they will be installing.

- **Park signs “children playing” - 76%.**
- **Basketball court improvement (new nets, paint backboards, straighten basketball pole, remove old volleyball pole) - 73%.**
- **General maintenance and improvement (more mowing, weed trimming, trash pickup, remove old concrete pad) – 70%.**
- **2007 CNY Community Foundation Grants – trees.**

2. Long term.

- **Resurface basketball court.**
- **Add fencing (north side) to protect children from ditch & road.**
- **Speed limit reduction to 30 mph.**
- **Traffic flow control (light, sign, 4way stop @ 11A & Rowland).**
- **Parking area from 11A.**

b) LaFayette Beach.

- 1. Evaluate survey/transfer LaFayette Beach from LCC to town.**
- 2. Roof/cover over sandbox (Herb Salladin). Bids. (DK).**
- 3. Repair/move lacrosse box, lifeguard station repair.**
- 4. Structural repairs – bid (DK).**

c) Fred Stafford/Optimists Park.

- 1. Optimist’s project.**
- 2. Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.**
 - **Tully-\$12k – materials only (all volunteer labor).**
- 3. Benches (Optimist Club).**

10) Safety (Tom Rezsnyak, Adrian Shute, Leon Cook & Regina Reinschmidt).

- a) Smoke detector batteries – change at DST/EST time changes (2x/year).**
- b) NYS Workplace Violence Prevention Law (NYS boilerplate & DVD).**
- c) Snowblower (electric?) evaluation.**

Councilor Shute said he looked at Home Depot and the snowblowers look really inexpensive. The gas ones appear to be heavier than the electric ones.

Leon Cook doesn’t think an electric one would be handy. He discussed gas driven shovels.

- d) Light (emergency) on north exit.**
- e) Community Center Inspection list, 06.29.07.**

11) School District liaisons (Bill McConnell & Pete Paul).

Councilor Knapps said he is going to meet with Tiffany Phillips on Wednesday. The School Board had questioned whether the town put together an information packet

for resident's. He took copies to them of the "Welcome to LaFayette" packets that we have and they were very happy with them.

12) Senior Transportation & Housing (Beverly Oliver & Greg Scammell).

13) Service Awards (Bill McConnell, Dave Knapp, John Harper & Larry Paige).

- **LOSAP proposal.**

Councilor McConnell said he and Councilor Knapp met with the L.F.D. at their Board Meeting. September 25th RBC and the other company from Utica are going to get with them to answer any questions they have. From there he would expect to bring it to the Town Board to make a budget decision.

Councilor Knapp said they are looking to go with a 24-7 paid medic that will be a major topic of discussion when they come in to discuss their budget.

- **Tax rate query.**

14) SOTS & OCRRA Liaison (Dave Knapp & Bill McConnell).

- **District wide mailing – 2007 fuel costs, prevailing wage, etc.**

15) SPDES (Bill McConnell, Jim Nakas, Steve Beggs, Nancy Mueller, Ralph Lamson, John Dunkle & Kevin Gilligan).

- **Resolution supporting CNYRPDB – SPDES.**

Councilor McConnell said at the last meeting the Board discussed the CNYRPDB's proposal to take over some of the responsibilities. He would recommend we do this now and get it done.

Councilor's McConnell moved and Bailey seconded the motion to enter into the agreement with CNYRPDB for their work in our SPDES requirements.

Motion passed unanimously.

16) Water (Greg Scammell & "Pete" Paul).

a) Northeast LaFayette Water and Smokey Hollow Service Improvement districts.

- **Public info meeting (early May).**
- **Letter to VESyr, affirming H2O cutoff date (completed).**
- **Financing Plan - EFC.**
- **Construction underway.**
- **Authorized payments to contractor.**
- **Water testing fees from Onondaga County Department of Health.**
- **Stipulation Agreement – Northeast LaFayette Water District and Onondaga County Health Department.**

b) Hamlet drainage study – request submitted to NYS DOT, intersection of Routes 11 & 20 to be reconstructed in 2010.

17) Zoning Review (Mary Jo Kelly, Ralph Lamson & Greg Scammell).

a) Jamesville Reservoir Preservation District/JRPA change.

- b) **SOCPA subdivision guidelines to distribute to local subdivision applicants.**
- c) **Digitized zoning map, correction & amendments.**

8. LITIGATION & OTHER LEGAL MATTERS.

A. **Onondaga Nation Land/Land Rights Claim.**

B. **William May mobile home on Jamesville Reservoir.**

- **County court rules in town's favor.**
- **NYS Supreme Court rules in town's favor.**
- **Appealed by Mr. May.**
- **Order and judgment favoring town.**
- **May appeal - November.**

Kevin Gilligan said May's appeal is going to be heard Thursday. John Langey is arguing it at the Appellate Division.

Supervisor Scammell asked what the potential outcomes could be.

Kevin said basically if they uphold us, Mr. May is going to be told to move the trailer this winter.

C. **Grader v. Town of LaFayette.**

- **Decision favoring town.**
- **Grader appeal – withdrawn?**
- **WSR 8.17.07 memo.**

Kevin Gilligan said the 60 days have passed so the town can make a motion to dismiss for failure to perfect or you can wait and after 9 months it's over. It's up to the Board whether you want to sit on it and not spend any money and let it die a natural death or make a motion.

The Board decided to let the 9 months run out for it to be over.

D. **FCC/Time Warner.**

Kevin Gilligan said this isn't something the town can fight themselves.

Mary Jo said she emailed the other towns listed and they haven't received any correspondence on this.

E. **Tennessee Gas Pipeline, 8.12.07.**

Kevin Gilligan said this involved them getting their new DEC permits.

9. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. **Community Development Grant app.**

- 1) **2006 - Water district & Water District hookups. Being administered by OnCo CD.**
- 2) **2007 Park Designs (Bailey Park, LaFayette Beach & Stafford Park). Review 2006 apps.**
- 3) **Park designs (SU &/or playground equipment manufacturers- Parkitects) – rejected.**
 - **Bailey Park.**

- **LaFayette Beach.**
- **Stafford Park.**
- **Community Development income survey map (BM).**

B. Town Landfill – vehicle extraction practice site (LFD research w.NYS DEC).

C. Remove older town signs (AS).

D. Moses DeWitt cemetery.
Mary Jo will research this.

E. For TB review.

- **GBoR member: tbd , 01/01/07 – 09/30/08 (replacing John Aiken’s term).**

11. NEW BUSINESS.

- **Donation fund.**

Supervisor Scammell said the Donation Fund is depleted. He thinks we give too small an amount as a Board. He asked for input.

The Board decided to keep the fund active.

Supervisor Scammell asked for a moment of silence for former Town Supervisor Clay Smith.

Councilor Knapp said there has been a lot of stuff going on over the last few weeks regarding email. He asked if the Supervisor can’t attend a special meeting, can one be held and who would run it?

Kevin Gilligan will check on this.

Tom Chartrand arrived and Councilor Shute asked him if Scott Kushner could be appointed as a Physical Plant Deputy.

Tom will look into this and let the Board know.

Councilor Shute said we received a packet regarding the NYS Deferred Compensation Plan. He thinks it was just an annual informational packet. Do we need to send out a letter to all the employees on this?

Tom Chartrand said we did this about 1 ½ years ago and he thinks only 1 person showed up to find out what it was about. You can send out a letter and if anyone is interested you can contact the Deferred Compensation guy.

Councilor Bailey recommended waiting until January and then let the employees know what’s out there.

Tom Chartrand said he can do a workup to show the difference in what we make from M & T and what we could make from HSBC and Alliance.

The Board said that would be helpful.

Councilor Knapp said he has a conflict on 9/25 for the large group budget meeting. He can get here about 7:30 p.m.

12. Suggestions for improvement and positive contributions.

13. Executive session (if needed).

14. Councilor's McConnell moved and Knapp seconded the motion to Audit and Pay the following bills:

HIGHWAY FUND	#8324 - 8344
GENERAL FUND	# 8345 – 8380
SPECIAL DISTRICT FUND	#8382
COMMUNITY DEVELOPMENT & CAPITAL FUND	# 8383

Motion passed unanimously.

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

The Town Board Meeting adjourned at 10:33 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk