

Minutes of the Town Board Meeting held by the LaFayette Town Board on October 27, 2008 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
David Knapp, Councilor
Thomas Bailey, Councilor
William McConnell, Councilor
Adrian Shute, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Wendy Reese, Attorney
Leon Cook, Highway Superintendent
Tom Chartrand, Bookkeeper
Pete Paul, Dep. Supervisor
Jim Nakas, Plan. Bd. Chairman
Barbara Lasky, Plan. Bd. Member
Carleen LaRonde
Dennis LaRonde
Pat Keefe
Mary Doster, Tax Collector
Jamie Williams
Kathy Williams
Michael LaCava, LCS School Board Member
Bruce Freund
Mary Ellen Saladin
Mary Helen Myrdek
Lisa Kurtz
Thomas Kurtz
Jason Olich
Katie Olich
Kayleigh and Sophie Olich
Carl Revette
Heidi Revette
Bruce Wanlass
Karen Doster
Matt Doster
Walt Gilsdorf
Thomas Scofield
Ken Jerome, LFD
Don Bush, LFD
Greg Hoxie, LFD
Kevin Gilligan, Town Attorney
Jim Moore, DCO
Doug Scholes, Dep. DCO

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

2. **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 Bailey seconded the Motion to accept the October 20, 2008 Town Board Special Budget Work Session Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **PUBLIC HEARINGS. Windmill Moratorium, Local Law No D-2008.**

Wendy Reese said the proposed Windmill Moratorium would essentially prevent windmills to be decided upon for 6 months or until windmill legislation is enacted by the town.

Councilor McConnell said assuming we have a moratorium and we have 6 months to do the legislation, who would head up this up?

Supervisor Scammell would assume the Town Board would head it up along with the Zoning Review Committee who has already provided the Board with some information on this, the Town Attorney who has provided legislation for the Town of Onondaga and anyone else who wishes to participate.

Councilor Knapp said personally he thinks they are a good idea and a coming thing. As the price comes down, he thinks more people will be looking into them. From the Planning Board's point of view, we have no guidance whatsoever and this legislation will give some guidelines. Being it's over the winter he doesn't think it will hinder anyone anyway.

Councilor Bailey said to keep in mind what the state level is doing as we don't want anything at the local level to conflict with what is at the state level.

Councilor Shute said after looking into it a little deeper, people who might want to build one next year may have to get on the list right now and his concern is for them to have to put it off for 6 months. He doesn't see it as that great of a danger that people would be putting these up now. We had heard from the Assessor that these would be assessed at full value but according to what Kevin Gilligan submitted to the Board, this isn't true.

Wendy Reese said she is doing some follow-up on this as some people feel it pertains only to commercial windmills. She has a call into NYSERDA and hasn't received a call back from them yet.

Councilor Shute said according to Kevin's memo, the town could opt out of exempting the windmills if we choose to.

Wendy Reese said as long as the current legislation for the exemptions pertains to private windmills.

Councilor Knapp asked if we could do it anyway.

Wendy Reese said the only section they could find on this was Section 487 of the Real Property Tax Law and they have to determine whether it applies to private windmills too.

Chairman Nakas asked what would determine a private windmill? If someone proposed putting in a few windmills that would obviously be generating more power than what would be used on site and they are obviously going to sell power back to the grid, are they private or commercial? Does this make them a business and should they be taxed as such?

Wendy Reese said private windmills are only supposed to generate the power that will be used on site. A commercial windmill would generate power to be sold back to the grid.

Chairman Nakas said if you put in one windmill at 130', it's supposed to generate between 9 and 10 kilowatts and the average home uses between 5 and 10 kilowatts a year. If you are going to put in 2, 3, 4 or 5 of these, you are obviously generating more power than what is needed for a home. Should it be written into the law that you cannot generate more than what is required for your homes needs?

Councilor McConnell doesn't think this matters. The intent is to generate what you are going to use and be able to sell some back to the grid. He asked who is going to take the lead on this. There are some wind generators in California that are only 20' high.

Chairman Nakas said if you look at the people who install these things, they are saying you need the windmill to be at least 130' even if it's on top of a hill.

Councilor McConnell has no problem with someone generating the power on their property for their needs and to sell some back.

Chairman Nakas said if you are a neighbor, you might feel differently.

Councilor McConnell is saying there are other options.

Chairman Nakas said we had people already coming to the Planning Board about the height and the Planning Board has no guidelines.

Councilor McConnell isn't sold on having a moratorium because if it takes a long time, how many people are we holding up? He was hoping the moratorium would be 3 months or less.

Chairman Nakas said we have already approved 3 windmill applications without any guidelines in place.

Councilor Knapp said the purpose of the moratorium is to give us time to put some legislation together and to avoid having someone submit an application for something that we might not be in favor of. He would like to see the legislation for this enacted as soon as possible.

Supervisor Scammell asked for any other questions or comments.

Jamie Williams isn't against coming up with some good legislation. He is considering putting one up in the spring to generate power for his house and a small amount of excess to sell back. In the times that we are in, it's good to encourage people with the appropriate location to do this. He has done a little bit of research with NYSERDA and it looks like you have to have a certified installer. He is personally against the moratorium because if you are going to be installing something in the spring, you have to start planning now. If the town goes forward with a moratorium, he would encourage them to get the legislation together in a timely fashion so the people looking to do this can go ahead. He has a 40 acre farm so he wouldn't be putting it up 5' from a neighbors house. He doesn't want to see people putting up 50 windmills that would be an eyesore or safety hazard. If the town feels they need to do a moratorium, he would suggest they put the legislation together in a timely fashion.

MaryEllen Saladin has been a resident in LaFayette for 14 years. She is totally in favor of a moratorium. You have to look at what it will do to the property values and a noise factor. She thinks you need to sit back a little and take a look at this.

MaryHelen Myrdek is in favor of a moratorium as well. She has spoken to people where there wasn't any legislation and they have had 12 windmills go up across the street because there weren't any regulations.

Bruce Wanlass asked if there is any consideration in talking to other communities who have plans in place that are working.

Supervisor Scammell said we actually have a sample of the legislation used in the Town of Onondaga.

Bruce Wanlass said you could contact California who has had experience with windmills over the years.

Supervisor Scammell said that is a good thought.

Jim Nakas thinks a lot of people who might be considering putting up a wind turbine might approach this by coming before the Planning Board now to start construction in the spring. There's nothing in place to grant approval or reject these applications.

Councilor Shute asked if the same restrictions apply to a windmill as any structure.

Jim Nakas said a wind turbine facility wouldn't have concerns about septic, square footage, etc. The main things are how close are you to your neighbor and how will you impact them regarding visibility and sound.

Councilor Shute said a windmill would have to adhere to the setback requirements.

Jim Nakas said the existing setbacks are for a house. A house vs. a 130' tower is different.

Councilor Shute asked if we have height limitations.

Jim Nakas said 50'.

Councilor McConnell asked if we don't have a height limit for towers.

Mary Jo said it would be for communication towers.

Councilor Knapp hopes to put one up on his property and he lives on a farm. He thinks we need to do the moratorium just to be sure we don't have an application come in that won't work but that we have no control over.

Walt Gilsdorf asked how many types of windmills there are. He can't imagine windmills are generating the power at a great magnitude and he thinks we need some restrictions on the designs of them. The towers we have up now will be outdated. He doesn't think we need super high towers.

Councilor McConnell said we have no ordinance on solar panels or anything like that either.

Jamie Williams said most of the designs that qualify are a minimum of 50-100'. This is what NYSERDA is saying. The folks from NYSERDA come to your property and test to see if you have the appropriate site for a windmill.

Tom Scofield would like to know what the purpose of the moratorium is. Is it just to give us a chance to do some more investigation?

Supervisor Scammell said it's to investigate to see if we need regulations and if so, what would they be.

Tom Scofield thinks we will need some type of regulations. Are we really hoping this will go away? What are we gaining from the 6 months?

Supervisor Scammell said most moratoriums are for 6 months. He does sense a strong commitment from the Board to wrap this up as soon as possible. The Board could be done in two months and ready to vote. He doesn't get the sense from the Board that the 6 months is to put it off. It's to review the neighboring towns ordinance and perhaps ordinances from other states.

Tom Scofield asked if we are aiming to put a kibosh on something like this or are we going to try to encourage something like this? This is a possible way for us to grow

without bringing in another 15-16 McDonalds and we can do something positive for this community individually. Why are we trying to stop it at the local level?

Supervisor Scammell doesn't believe we are trying to stop it. The Planning Board asked the Town Board for some guidelines on this.

Councilor Knapp said earlier the Board was talking about tax exemptions to encourage people to put these up. He doesn't see these things going away at all. He sees the technology getting better.

Councilor McConnell said every week he travels quite a bit all over the country and there are communities that have hundreds of windmills up. The moratorium is to find out what other places are doing with windmills and see how they fit into different areas of the town. There has to be a balance. He supports the concepts. He would like to do one himself. However, if the Planning Board doesn't have the tools to assist them with a growing product than this Board hasn't done its job. He would ask the Board to use the moratorium as a goal but not as a timeline for the ordinance. He wants the legislation right the first time.

Walt Gilsdorf is in favor of the moratorium. Just listening to what people know about windpower, he thinks the research has to be brought into this in detail. He thinks we need more information if we are going to do it right. If we don't have anything set up, he thinks we need something for the community to direct people in their planning to build one.

Councilor McConnell would like to look into the town putting one up or some solar panels if the investment was there for the tax dollars.

Councilor Knapp said there are some towns that are putting up their own windfarms and generating their own power.

Councilor Shute said he went to a meeting the state put on where they talked about windmills. They were pretty clear. They had a map that showed the south side of Lake Ontario and east of here as the only places viable for wind power. What you make in excess, you sell back to the grid at wholesale rates. The idea that all the sudden these commercial farms are going to be springing up is just not reality. With the amount of money that goes into these, there's no way you could make that money back selling the power back to the grid. He would hate to think he lost someone half of the investment they could have had from the state by putting this moratorium in and putting legislation in down the road.

Councilor McConnell said he understands the need to move ahead. He again asks the Board to set a goal of 90 days to come back with some legislation. He would volunteer to work on this with the other people.

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

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

Councilor McConnell would like the 90 days scope to be added to the resolution. Is that allowable?

Kevin Gilligan said this could be in the resolution but not in the local law.

Councilor Shute asked about agricultural areas.

Kevin Gilligan said they are more lenient with agricultural uses.

TOWN OF LAFAYETTE

RESOLUTION TOWN BOARD MEETING

The following resolution was offered by Councilor McConnell, who moved its adoption, seconded by Councilor Knapp, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. D-2008, "A Local Law Imposing a Moratorium on the Construction, Installation, Erection, Placement or Establishment of, or Applications Relating to Wind Energy-Deriving Towers (Windmills) Within the Town of LaFayette", was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on September 22, 2008; and

WHEREAS, a public hearing was held on such proposed local law on this 27th day of October, 2008 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the SEQR review process for this action was completed by this Board at its September 22, 2008 meeting this Board having determined this to be a Type II action; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. D of 2008.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. D-2008 as Local Law No. 4-2008 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW 4-2008**

**A Local Law Imposing a Moratorium on the Construction,
Installation, Erection, Placement or Establishment of, or
Applications Relating to Wind Energy-Deriving Towers (Windmills)
Within the Town of LaFayette**

BE IT ENACTED by the Town Board of the Town of LaFayette as follows:

Section 1. Legislative Findings and Intent

The Town Board of the Town of LaFayette has determined that a review of regulations pertaining to the construction, installation, erection, placement or establishment and operation of windmills within the Town of LaFayette must be conducted. Modern-day windmills have been used to harness the wind to produce electric energy. In recent years, commercial windmill farms have been established in the local Central New York Region and smaller windmills have been designed for residential properties. As these uses become more available at reasonable cost, it is

reasonable to anticipate that there will be more interest in installing and maintaining such uses in various areas of the Town. The Town Board has determined that there may be issues that arise regarding capability of such uses with neighbors and that conflicts may arise. Therefore, the Town Board has further determined that study of these uses and consideration of zoning issues is appropriate at this time. It is the intention of the Town Board to preserve the status quo during this period of review and study and to preclude the establishment of any new windmills before appropriate legislation is enacted or it is determined that no further legislation is needed.

Section 2. Scope and Control

For a period of six (6) months following the effective date of this Local Law, or sooner if the Town Board so determines that the intent and purpose of this law has been satisfied, no windmills shall be constructed, installed, erected, placed or established within the Town of LaFayette and no applications for such uses shall be considered by the Zoning Board of Appeals, the Planning Board, the Codes Enforcement Office or any other person or entity of the Town.

Section 3. Conflict with Other Laws

This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York. During the duration of time that this law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions.

Section 4. Enforcement

This Local Law shall be enforced by the Code Enforcement Officer. It shall be the duty of said officer to advise the Town Board of all matters pertaining to the enforcement of this law and to keep all necessary records appropriate to same.

Section 5. Violation

Any persons violating any provisions of this Local Law shall be guilty of an offense and, upon conviction thereof, be punished by a fine not exceeding \$500.00 or imprisonment not to exceed six (6) months, or both. For the purpose of conferring jurisdiction upon the Court, violations of this ordinance shall be deemed a misdemeanor and for such purpose the laws relating to misdemeanors shall apply to such violations for procedural matters. Every day's continued violation after notice shall constitute a separate, additional violation. In addition, the Town Board may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law.

Section 6. Exemptions

Windmills constructed on operating farms used for irrigation or crop protection are exempt from the operation of this law.

Section 7. Variances

A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for a variance shall be filed in triplicate with the Town Clerk together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the variance is sought and the reasons for which the variance is claimed. Any costs, including expert consulting fees, incurred by the Town, including legal and consultant fees shall be reimbursed to the Town by the Applicant.

C. The Town Board may refer any applications for a variance herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such variances shall be made by the Town Board solely after determining whether or not the requested variance is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed variance is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for a variance within forty-five (45) days of receipt by the Town Clerk, and shall issue its final decision on requests for a variance within twenty (20) days from the public hearing.

Section 8. Severability

Should any section or provision of this Law be deemed invalid, such decision shall not affect the validity of the remaining provisions of this Law.

Section 9. Effective Date

This Local Law shall become effective immediately;

and it is further

RESOLVED, that although this local law provides for a six month moratorium, it is the Town's aspiration to complete its review and adopt appropriate regulations within ninety (90) days

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Gregory Scammell, Supervisor	Voted	Yes
David Knapp, Councilor	Voted	Yes
Thomas Bailey, Councilor	Voted	No
William McConnell, Councilor	Voted	Yes
Adrian Shute, Councilor	Voted	No

The foregoing Resolution was thereupon declared duly adopted.

Councilor Bailey doesn't see what the relevance is on the 90 days. What's the consequence if the 90 days isn't met?

Councilor McConnell said if we can't get there that quickly you can go with 6 months. It is setting the sense of urgency.

Councilor Bailey thinks it can be handled informally on the Board and didn't feel it needed to be added into the resolution.

6. **COMMUNICATIONS.**

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

• **Priscilla Carter, leash law.**

It was noted the Town Board never actually voted on a leash law but just decided not to go forward with it at this time.

• **Kevin Corcoran, LaFayette Nature Preserve, sign for Ropes Course.**

B. Colleen & James Kilcoyne and Christopher Burbank: lost dog recovery and kudos to Dog Control.

Supervisor Scammell read a letter from Colleen and James Kilcoyne and Christopher Burbank thanking the Dog Control Officer and Dep. Dog Control Officer for all their hard work in locating their dog.

C. U. S. Senator Charles Schumer: 2009 Laura Bush 21st Century Librarian Program.

D. NYS DEC: Jamesville Reservoir Dam inspection.

E. Mr. William Turner: resignation from Grievance Board of Review.

Councilor's Knapp moved and Bailey seconded the motion to accept William Turner's resignation from the Grievance Board of Review. Motion passed unanimously.

F. Southern Hills Preservation Corporation: 2009 support request.

Councilor Knapp asked Supervisor Scammell to explain some of the things they help us out with.

Supervisor Scammell said they help with property in need of repair for people with low incomes. They are very active with it. He has heard a lot of compliments from people who have been able to stay in their homes due to their help. They have been in existence for 30 years.

Councilor Knapp said they have moved their office.

Supervisor Scammell said yes. They have moved to the old Troopers Barracks on Route 11 in the Town of LaFayette.

Councilor's Knapp moved and Shute seconded the motion to provide support for Southern Hills Preservation Corporation in the amount of \$2,500. Motion passed unanimously.

G. Time Warner Cable: switched digital video.

H. Onondaga County Department of Finance: delinquent parcels scheduled for auction.

The Board reviewed the parcels and one that might be of interest.

I. U. S. Senator Charles Schumer: 2009 Museums for America Grant Program.

J. Onondaga County Traffic Safety Advisory Board: top law enforcement officers.

K. U.S. Senator Charles Schumer: Brownfields Assessment and Cleanup Cooperative Agreements Program.

L. NYS PSC: 315 area code public hearing.

M. CNY RPDB: SPDES Expense reimbursement documentation.

Councilor McConnell wanted to confirm that this has been complied with. Wendy Reese said yes and we have already received the reimbursement.

N. Onondaga County Board of Elections: voting machines.

O. Other.

Supervisor Scammell said he received the following letter from the LaFayette Fire Dept.

“On October 24, 2008 the LaFayette Fire Department held a special meeting to discuss the proposal by the Town Board in regards to our budget for fiscal year 2009-2010.

After much discussion, the membership of the LaFayette Fire Department has voted to resubmit our original budget proposal of \$381,300.00. This is a 3% increase over last year’s budget.

It was decided that, after much discussion and with the state of the economy currently, we can no longer be guaranteed of when or if we will receive our \$50,000 state grant. Therefore we can not agree to a reduction of our capital reserve budget...”

Councilor Knapp said he spoke with Senator DeFrancisco’s Office earlier today and they assured him the money is there and it’s available and they are just waiting for the paperwork to be completed. There is no concern at this point that the money has gone away or listed in the budget problem in Albany.

Supervisor Scammell asked the LaFayette Fire Dept. Members present if they are aware of what needs to be submitted for this.

Ken Jerome said they are just waiting for the paperwork to come in from Senator DeFrancisco’s Office.

Councilor Knapp will talk to them tomorrow. If it got lost in transit, he will have them resend it.

Councilor McConnell asked if that was the sole issue. Was it the unknown if the money would be there?

Ken Jerome said no, it wasn’t the sole issue. They just felt the grant helped them outfit the emergency ambulance and if they did take a reduction to the Capital Reserve, they would fall short in 2012.

Councilor McConnell asked how short.

Ken Jerome said about \$100,000 short.

Councilor McConnell asked what purchase price this was based on. Other than \$371,000, what would be the price?

Ken Jerome doesn’t have a copy of the updated equipment replacement sheet with him right now.

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

7. **SPECIAL REPORTS.**

- **Manley's Mighty Mart – Planning Board recommendation.**

Supervisor Scammell said the Board has been asked to grant a zone change on the Donohue property and they referred it to the Planning Board for feedback and the Planning Board has provided it. The following feedback was received from the Planning Board:

“ **Re: Referral by Town of LaFayette Town Board regarding Proposal by Manley's Mighty Mart (Donahue Property)**

Dear Supervisor Scammell and Members of the Town Board:

Please accept this correspondence as the Town of LaFayette Planning Board's recommendation concerning the proposed change of use/zoning amendment relating to the Donahue premises bordering the existing McDonald's on the north side of Route 20 in the Town. The Planning Board considered this proposal at its September and October meetings. As part of its review, the Planning Board heard from a representative of the Applicant (Manley's Mighty Mart), as well as the property owner, as to the proposed use for the premises. The Planning Board further reviewed the Town of LaFayette's Land Use Plan of 1988, as well as other planning documents, the Town's existing Zoning Ordinance and previous Zoning Ordinances superceded by the current Zoning Ordinance.

At the Board's October 22, 2008 meeting, the Board resolved to offer a negative recommendation with regard to the proposal. The reasons and concerns which supported the negative recommendation were as follows:

- § The proposed use of gas station is not an allowed use under current zoning regulations in the Hamlet District. Such a project could create an extremely intense use within the hamlet area and it is probably for this reason that such a use was originally excluded.
- § It was also noted that under the previous iteration of the Town of LaFayette Zoning Ordinance, the area in question had specifically allowed gas stations but, pursuant to the zoning amendments which created the Hamlet District, this type of use was specifically removed from this area.
- § Convenience store type operations are generally 4,000 sq. ft. or larger (consistent with the instant proposal) which would be twice the size of the Nice & Easy Store (2,200 sq. ft.) currently in LaFayette on Route 11.
- § Due to site constraints, the up and down type of topography where this project would access, the Town should be concerned about a potential significant increase in accidents in this area.
- § For such a commercial type of operation, any north-bound truck would have to pass through the middle of LaFayette twice - once to exit Route 81 and go west on Route 20 to the site; to exit the site, the vehicle would

proceed east on Route 20 to the light and subsequently north on Route 11 and re-enter Route 81 northbound.

- § There are many antidotal instances of difficult passage through this area of Route 20. Anyone who has traveled through here on a regular basis has experienced many close calls from vehicles trying to dart across Route 20 and proceed on Route 81 south. Board Members themselves have experienced this for quite some time. This project may exacerbate an already dangerous situation.
- § Given the proximity of the Grimshaw School, a zoning change to accommodate this type of use would create a situation of school - Route 81 - McDonalds - gas stations for vehicles and tractor trailers within a relatively compact area and again, and, given the increase in truck traffic, causes increased concern for school children.
- § The possibility for overnight stays by truckers should be considered a potential impact. A survey of the truck stop in Tully by one of the property owners residing west of Route 81, revealed eight trucks on the premises, four of which were purchasing fuel and four with sleeping drivers. Apparently this activity is not monitored as overnight stays are “not permitted”.
- § Presently, there is only one entrance and one egress and both would occur through a shared right-of-way with McDonald’s. Such an approach is potentially fraught with problems both from a practical and safety standpoint.
- § Planning for an expanded travel lane for Route 20 should not be presumed to occur in the near future.
- § Lack of need. Research conducted shows at least ten (10) truck stop type facilities are less than a 30 to 40 mile radius of LaFayette.
- § Preble, only 10 miles away, will have a similar use, placing into question any perceived void in the area for such a use.
- § It is also felt that significant portions of the Town’s Land Use Plan of 1988 would discourage a zone change of this nature.
- § Although the “Town of LaFayette Land Use Plan” recommends “encouragement of economic development near the interstate highway interchange”, it also recommends “to guide such development towards compatibility with existing development”.
- § The Land Use Plan also stresses the need “to preserve as much of the town’s country/suburban character as possible as residential development continues”.

- § Another quote from the Land Use Plan: “There is a 38 acre parcel (west of Route 81) which would represent a logical westward extension of the hamlet of LaFayette.”
- § The Land Use Plan states “the major problem in terms of developing [this site] for residential and/or commercial use is accessibility. Since the steep slope formed when Route 20 was cut into the hill limits access to one part nearly opposite the Route 81 exit and entrance ramp, a single access point would preclude multiple, independent commercial activities.” This appears to be what is being requested. (Comp. Plan p. 45).
- § Concerns are for water as well. The Land Use Plan states one of its objectives is to regulate through satisfactory evidence of groundwater capacity to support development. (Comp. Plan p. 8).
- § As stated in the Plan: (1) the key to future growth will be to protect the traffic carrying capacity of the highway system and to preserve as much of the Town’s country/suburban character as possible while residential development continues. Overall density of development will be constrained by those natural features of the environment that inhibit growth as well as by the Town’s desire to protect water resources, aesthetic values, and general environmental quality. (Comp. Plan p. 10).
- § The design of commercial sites should stress safe, controlled access to the sites, compatibility of commercial activities with adjacent land uses, and avoidance of isolated commercial activities in predominantly residential areas. (Comp. Plan p. 42).
- § Overall, the Planning Board doesn’t see this as this type of “anchor development” for the portion of the Town or the Hamlet.
- § More appropriate uses in this portion of the Hamlet would be office and office-type uses, as well as other typical “Hamlet” style uses.

Thank you for this opportunity to provide the Planning Board’s input as to potential uses for this critical area in the Town’s existing Hamlet District. We would be happy in the future to work with the property owner and potential developers as the Town Board may wish. Kindly contact me with any questions you may have.

Very truly yours,

James Nakas, Chairman
Town of LaFayette Planning Board”

Councilor McConnell asked Jim Nakas “to guide such development towards compatibility with existing development”, what would he see this to mean?

Jim Nakas thinks in any Hamlet Zoning area in a residential rural community, you would probably prefer to see light usage in terms of perhaps office space, professional space such as doctor, insurance, etc. offices rather than something that would offer a use as intense as the one before the Board.

Councilor McConnell said “There is a 38 acre parcel (west of Route 81) which would represent a logical westward extension of the hamlet of LaFayette.” That is the same piece of property, correct?

Jim Nakas said yes. He thinks it also included the McDonalds portion of the property.

Councilor McConnell asked if the Planning Board is recommending to extend the Hamlet to include this.

Jim Nakas said as he understands the Hamlet Zoning, it already includes this parcel.

Councilor McConnell said he read the Planning Board Minutes. His name was attached to the “anchor development” which was not in any comments he made in the past.

Jim Nakas doesn’t know what this refers to.

Councilor Shute asked when the Hamlet Zoning was instituted.

Councilor Knapp said in 1998.

Councilor Shute said since the Land Use Plan of 1988 talks about the extension of the Hamlet, they aren’t talking about the Hamlet Zoning we have now.

Jim Nakas said they were stating going west of Route 81 it would be good to include this parcel in the Hamlet Zoning.

Councilor Shute said the zoning wasn’t in effect then so they are talking about a generic hamlet.

Jim Nakas said the county has recommended for years that the town create a Hamlet Zoning.

Councilor Knapp asked for what purpose.

Jim Nakas thinks so we don’t have a Mattydale South here. He thinks they were trying to tell us if we weren’t careful about the uses we allow that they will become so intense the town will loose its character completely and you loose all control.

Councilor Knapp said his biggest concern is the traffic. The southbound traffic doesn’t concern him as much but the northbound traffic does. People have experienced the 18-wheeler making a turn at the 4 corners. The D.O.T. has said they will fix it but this keeps being pushed back. It’s also a concern with driving by Grimshaw. It’s already pretty crowded in the morning. The other piece of the puzzle is when the gentlemen were here that night and were talking about the diesel, he asked if they were planning on installing a shower and they said yes. That would encourage overnight stays. We don’t have a local police force to control this. He knows they aren’t going to encourage overnight stays but after talking to some people, it seems there is a shortage of truck stops for overnight stays and he thinks this would encourage that type of use.

Supervisor Scammell said the D.O.T. has tentatively scheduled reconstruction of the 4 corners in 2010 and 2011. He would not be surprised to see this pushed out to a later time. It’s to try to get the traffic coming from the east and west to get through the intersection quickly.

Councilor Knapp said we are quite a ways out on this and it will be a 2-year project when they do it.

Councilor Bailey said the Planning Board did a lot of work on this and he commends them on this. He asked if they thought the developer was going to take another crack at this.

Jim Nakas said he isn’t at liberty to say because he doesn’t know but all they could do is act on the plan that was presented to them. He thinks the over-riding response

of the Planning Board was you can call it what you want but if you build it, they will come.

Councilor McConnell asked if there was no diesel at all, what would be the impression of just a convenient store or gas station like the Nice 'N Easy?

Jim Nakas said his only opinion is that it might be too intense a use. How many gas stations do you need in the Hamlet area?

Councilor McConnell thinks the plus is that it might alleviate 50% of the traffic through the village.

Jim Nakas thinks it's still a fairly intense use.

Councilor McConnell said it would generate jobs too.

Jim Nakas said so would a professional office building.

Councilor McConnell asked who supplied the petition.

Katie Olrich said she circulate one. Mary Doster, Carleen LaRonde, Heidi Revette, and MaryHelen Myrdek all raised their hands.

Katie Olrich said she can't tell you the amount of times she is getting off the Route 81 Exit and can't get up the hill because of people coming out of McDonalds. Putting a gas station in would only make it worse.

Councilor McConnell asked if she saw no development there.

Katie Olrich thinks something of less intense a use would be good. If you had a doctor's office it wouldn't be a large volume of cars going in and out all hours of the day. It's a lot different if you have a 24-hour gas station or truck stop.

Carl Revette said he attended the Planning Board Meeting and he didn't hear any numbers from Manley's Mighty Mart in terms of proposed number of vehicles. They carefully referred to it as a diesel dispensing unit. He's never heard a trucker state they were going to a diesel dispensing unit to fill up their truck. They had 8 regular dispensers and 6 diesel units. He came up with a figure of 12 cars per hour which would be considered very conservative. This would suggest if they had 3-6 diesel units you can figure 9 trucks an hour over 24 hours and 7 days a week. Do the math. You don't have to have the D.O.T. come out to see that doesn't make any sense. If you take the diesel out of it, are they going to put in more gas dispensers to create more automobiles coming in and out of that location? We know what that location is like in any kind of weather despite winter and the fact that it will be lit up like a Christmas Tree year round.

Councilor Knapp said they would have to do a traffic, hydrological study, etc., and they didn't want to go through all that expense before seeing how we felt about it.

Katie Olrich doesn't understand why we need two gas stations. We couldn't even sustain a grocery store. If the Nice 'N Easy goes out of business then we are stuck with another empty building like the one already in the center of town. She doesn't think people want a city setting.

MaryHelen Myrdek said the Planning Board listed every concern she had. She has already told her daughter to go down Webb Road and out onto Route 11 rather than coming through this area of Town. In the last 6 months to a year, every time they have come off of the Route 81 exit and tried to take a left onto Route 20, someone has pulled out in front of them from McDonalds. Her daughter was almost hit 2 weeks ago coming home from Cortland. She is very concerned about the amount of traffic coming up and down Route 20. Cars constantly pull out in front of you in that area.

Mary Doster said she goes to McDonalds in the morning for coffee and she has seen tractor trailers pull right out from there. They know you will have to stop. This is a big concern of hers, particularly the northbound traffic getting off.

Bruce Freund said there's been some discussion about supporting it if there weren't any trucks. If you took a very conservative figure of only 5 cars an hour off Route 81 and you multiply that number by 24 hours, it's 120 cars a day. This would be 840 cars a week and 3300 cars in a month. Some of these would go through the Hamlet twice if they were northbound traffic. Are we prepared to handle that? If only ½ of that is northbound traffic, you would have 1600 cars per month going through the 4 corners twice to get back on the northbound Route 81. Do we want that?

Tom Scofield said it seems to him we are missing an opportunity to look at something. We are looking to generate a source of income. It might create 3 to 4 jobs. He is concerned about the traffic issue. It seems the Planning Board is suggesting we extend the Hamlet to the entirety of the LaFayette community.

Jim Nakas said this would be an incorrect statement and an incorrect conclusion.

Tom Scofield was asked where he lives.

Tom Scofield said on LaFayette Road. He thinks we are trying to discourage a fiscal business.

Jim Nakas said that would be inaccurate. The right type of it would be encouraged.

Councilor Knapp would say we need to encourage development there but it needs to be the right kind.

MaryEllen Salladin said she doesn't think you would see a truck stop in Skaneateles or Cazenovia. She thinks it would ruin the aesthetics of LaFayette and that is why we live here.

Barb Lasky said the people she talked to didn't see any reason why we needed an additional gas station. Most of the people don't support the one we have here now. They go into the city where prices are lower and that is why we couldn't support a grocery store either. The main people supporting this would be off Route 81.

Councilor Knapp said the one part that does make him think of this is his disappointment with the Nice 'N Easy who aren't in the ballpark with gas prices and it bothers him that this hasn't been the case. He is disappointed that they haven't made this an easy decision. They do help community not-for-profit groups but from a gas price standpoint, he is disappointed. He asked what the Board should do now. There hasn't been a formal application to vote on. What should the Board do?

Wendy Reese said until there is a formal application, there is no action that needs to be taken.

Jim Nakas asked if they aren't formally requesting a zone change.

Councilor McConnell believes they haven't come back with a formal request yet.

Supervisor Scammell feels they have asked for a zone change.

Jim Nakas believes they are asking for a zone change for this parcel.

Mary Jo believes it was a verbal request at one of the Meetings.

Jim Nakas said based on the plan that was submitted to the town, the Board should state what they feel.

Supervisor Scammell said he feels what kicked this off was a request for a zone change. Whether it was formal or not, it was at a public meeting and the Town Board referred it to the Planning Board for their input. He thinks we do need to send a letter to Manley's Mighty Mart and Bruce Donohue indicating we have received our information back from the Planning Board and what we have decided. We do owe that to them as they requested this. He would assume they are waiting for the outcome. They have asked if this is feasible or not. They need to hear back from the Town Board that we

have gone through the process and include the Planning Board's documentation so they know what the particular issues and concerns are.

Councilor McConnell would like to see the Town Board Minutes relating to this to see how the request was made.

Mary Jo went to get a copy of them.

8. REPORTS.

A. Departmental (4th Monday).

1. Assessors: Marshall Taylor, Shaw Adam and Bill Turner.

- **Cold War veteran's exemptions.**

2. Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.

- a. Route 11 – graffiti and abandoned vehicles (spring cleanup).**
- b. Certification paperwork completed (RL).**
- c. Building Code revisions (draft – KG).**
- d. 3448 Route 11 – debris. Court.**
- e. 2617 Route 11 – debris. Court.**
- f. 3231 Webb Road. House in disrepair.**
- g. SPDES.**
- h. A written monthly report was submitted.**

3. Dog Control: Jim Moore & Doug Scholes.

4. Highway Superintendent: Leon Cook.

- **2008-09 Onondaga County snow contract.**
- **Multimodal funding.**
- **New furnace.**

5. Justice Court: Malcolm Knapp & Maureen Perrin.

- **January, 09 audit letter to NYS Unified Court System.**
- **A written monthly report for September was submitted.**

6. Library Director: Scott Kushner.

- **Monthly report – none.**

7. Recreation Director: Regina Reinschmidt.

- **Monthly report – none.**

8. Ropes Course: Sandy Smith.

- **A Periodic Usage report was submitted.**

Councilor Shute thinks we need documentation as it's used so the checks come in with the forms.

Councilor Knapp thinks the Board might want to consider stating we need the reports within 30 days of the usage of the facility. This might be something to think about.

9. Tax Collector: Mary Doster.

10. Town Clerk: Mary Jo Kelly.

- **Monthly report submitted for September.**

11. Town Supervisor: Greg Scammell.

- a. **Monthly report for September submitted.**
- b. **Transfers.**

Councilor’s Knapp moved and Bailey seconded the motion to do the following transfer of appropriations:

HIGHWAY FUND

To:

DA5112.2	Improvements	Equipment	<u>\$9,039.43</u>
		TOTAL	\$9,039.43

From:

DA599	Surplus	CHIPS Program	<u>\$9,039.43</u>
		TOTAL	\$9,039.43

Motion passed unanimously.

The Board returned to the Manley’s Mighty Mart zone change request. Mary Jo read the following from the September 8, 2008 Town Board Meeting Minutes “...Jim Emerkk said it’s a family owned and operated business located throughout the Binghamton area. There are 23 stores now. They are looking to expand towards the Syracuse area along Route 81 and have proposed a site within the Town of LaFayette. One issue with the proposed site is that it is zoned Hamlet which doesn’t allow gas stations. They are here tonight to ask the Town Board to entertain a zone change...”

Councilor Knapp said based on their verbal request, we can write them a letter stating our findings. Personally, he doesn’t look favorably on this.

Councilor’s McConnell moved and Knapp seconded the motion authorizing the Supervisor to send a letter stating the Town Board’s findings along with the Planning Board’s findings and a copy of the petition.

Supervisor Scammell thinks it would appear that the Board does not wish to entertain a zone change at this time based on the findings of the Planning Board. We have done the analysis for it. They are welcome to the analysis and the petition circulated through the community.

Councilor Shute would like to say we are not in favor of this specific plan. He drives this road every day to go to work or to take his kids to school. That land is already zoned for some commercial uses. Anything that goes in there will cause some kind of traffic problem. In his mind having trucks stopping off of Route 81 does nothing for this town.

Supervisor Scammell thinks the letter of discussion is to provide feedback to them that the town would not recommend a zone change for this.

Jason Olrich asked if the Board decides to change the zoning of this parcel, where will it end? If they change this parcel, he wants his changed to commercial for a truck stop or gas station too. When they purchased their property neighboring this parcel, it was zoned Hamlet and they knew this. If the Board decides to change this parcel than they can change his too so he can put one in. He has no problem with the zoning of that property as Hamlet now and the uses it allows.

Supervisor Scammell said the hamlet District does allow a variety of uses.

Jason Olrich said they have no problem with the zoning the way it is now.

Supervisor Scammell said a letter will go back to Manley's Mighty Mart and Bruce Donohue stating the zoning will not be changed at this time.

The Board was unanimously not in favor of changing the zoning for this proposal.

Mike LaCava asked if they could come back with a written request for the same thing as their verbal request has been addressed.

Councilor Knapp said yes. They can come back to ask this Board how they feel on it before they put a lot of money into an application for the same thing.

The Board voted on the above motion to send a letter stating a zone change would not be granted. The motion passed unanimously.

B. COMMITTEE (2nd Monday).

1) Agriculture (Dave Knapp & Mary Jo Kelly).

Councilor McConnell would like to talk with Thoma on an estimate of what it would cost to petition Ag. & Markets for a grant to update the Comprehensive Plan.

Councilor Shute doesn't have a problem with getting an estimate but he would like to see it before we spend the money.

The Board was O.K. with this.

Leon said the Board missed his Highway Dept. Report. He gave it now.

Leon Cook said the Highway Committee would like to know where the property going up for back taxes is located.

Councilor McConnell gave him a copy of the correspondence relating to this parcel.

Leon Cook said since the last meeting they have cut roadside brush. They have done this on 19 roads. They had one tree that blew down on Commane Rd. from last summer. There was another tree next to it that had to come down. It was in the highway right-of-way. It was too dangerous for the Highway Dept. to take down. He had to have a bucket truck. Mike Grimm took it down. It cost \$240.

They winterized the bathroom at the Beach. They put the sanders on trucks 1, 2 & 4. 5 & 6 already have them on. They put the plow equipment on truck 4. They mowed roadside of the town 4 times this summer. The most they did this before was 3 times. They got the studs on truck 4 for the winter. They put 6 recap tires on truck 1.

Right now they are working on installing the furnace. The other one is down and the new one is about ready to be put up. They had to have some adaptors made for the ductwork.

They had cracks on Colton Rd. and they have sealed most of them. There's probably another days work on it. He asked if the Town has a snow contract yet.

Supervisor Scammell said he hasn't received one yet. The D.O.T. asked us for a feel on their proposal and we expressed we felt good about it at the last meeting he and Leon attended.

Leon Cook said they sent a contract to Supervisor Scammell to sign and send back.

Supervisor Scammell said no. They sent one for him to sign and send back but he doesn't have a signed copy from them yet.

Leon Cook asked if we have gotten an answer back from the state regarding the shared services for the salt shed.

Supervisor Scammell said he signed any contracts Leon gave him. He hasn't received anything back yet.

Leon Cook will get in touch with Jeff Church on this.
 Pete Paul asked Wendy Reese what kind of deed you get with a back tax sale.
 Wendy Reese said it's a tax sale deed as you are getting it under auction for a tax sale.

Councilor Knapp asked if it's like a quick claim deed.
 Wendy Reese said it's a lot like one.
 Leon Cook believes under a quick claim deed a person can come back within 3 years and get the property back.
 Supervisor Scammell said he isn't aware of that. He thinks you have 3 years prior to the auction to pay your back taxes.

Councilor Knapp thinks Mike Amidon got a quick claim deed for the corner building.

Pete Paul asked how difficult and costly it would be to get it transferred to a warranty deed.

Wendy Reese said you won't get a warranty deed unless you can get the property owner to give you one.

Councilor Knapp said he really appreciated the Highway Dept. working with the Town Board on the budget this year. They were more than willing to work with us and were more than willing to reduce their budget. It will make next year very tight for them. He also applauds them for working with other towns to keep the cost down.

2) Communications & Technology (Mike Forte, Pat Keefe, Mary Jo Kelly, Marshall Taylor, & Greg Scammell).

- a. New town website – functional requirements in process, new email addresses, conversion & file transfers.
- b. Senior website being designed by S.U. student Gail Burleigh.

3) Economic Development (Bill McConnell & Greg Scammell).

- a. Thoma/Comprehensive Plan proposal.
- b. Water/sewer survey – review.
 - DOH.

4) Emergency Response (Tom Bailey, Bill McConnell & “Pete” Paul).

- a. Onondaga County Department of Communications - OCICS.
- b. Mass shelter response.
- c. NIMS resolution.

Councilor Bailey said this can be removed from the agenda.

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

- Vacation policy.

Councilor Shute said he is still working on this.

Supervisor Scammell said Aflac approached him during the week and wanted to know if we would like them to come and do a presentation.

The Board was not interested at this time.

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

- **LaFayette Hotel.**

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

- **Building committee: rough estimate for new Highway Garage (subject to permissive referendum.**

Councilor Knapp said they had a couple of meetings and were able to submit a very responsible budget.

8) Insurance (Adrian Shute & Bill McConnell).

- **Library.**

Councilor Shute said he still hasn't gotten anything showing the library coverage on our insurance. It's still just verbal.

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

- a) Next heat pump replacement and programmable thermostats.**

Councilor Knapp said he got a quote on a programmable thermostat awhile ago and he will get a more recent quote for the next meeting.

- b) Fire & smoke alarms at Town Offices (1st & 2nd floor) & Community Center. Code requirements (Rick Storrier/DK).**

- c) Town offices - Loose clapboards – estimate needed (DK).**

- d) Community Center basement flooding – masonry pointing, window blocking, backfilling and trenching, gutters.**

Supervisor Scammell contacted a mason to get the south wall taken care of.

- e) Community Center fencing.**

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

- a) Marion Bailey Park.**

1. Short term.

- **Park signs “children playing” - 76% (location needed).**
- **Basketball court improvement (new nets, paint backboards, straighten basketball pole, remove old volleyball pole) - 73%. (price needed for grant)**

2. Long term.

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

Councilor McConnell will get with Dave Anthony to look at Bailey Park and go over the items listed to see how to get them done.

- 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) **Stafford Park.**
- **Pavilion ingress/egress**

11) Safety (Tom LaFayette Beach Rezsnyak, Adrian Shute, Leon Cook & Regina Reinschmidt).

- **NYS Workplace Violence Prevention Law (NYS boilerplate & DVD).**
- **Community Center – cigarette butt disposal.**

Supervisor Scammell said there is concern regarding the cigarette butts at the Community Center. If we are going to allow smoking there, we should provide something for people to dispose of the cigarette butts.

12) School District liaisons (Bill McConnell and Adrian Shute & Pete Paul).

Councilor McConnell said he and Councilor Shute will be meeting with Mrs. Dadey and Mrs. Akl.

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

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

Councilor McConnell thanked Wendy Reese for her research. He and Councilor Knapp have a CPA in mind and will come up with a plan and proposal for the next meeting. Jim Moore is our only retiring member this year. BPA is sending him the paperwork tomorrow so he can withdraw his funds.

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

16) SPDES (Bill McConnell, Jim Nakas, Steve Beggs, Nancy Mueller, Mark Parrish & Kevin Gilligan).

- **Full town SPDES map.**

17) Water (Greg Scammell & “Pete” Paul).

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

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

- a) **SOCPA subdivision guidelines to distribute to local subdivision applicants.**
- b) **Digitized zoning map, correction & amendments.**
- c) **Streamlining of similar uses, controlled site approvals and specific permits.**

Mary Jo Kelly said a draft was submitted to the Board for windmill legislation.

Supervisor Scammell said anyone with any information on this should get it to the Town Board by the next meeting.

9. LITIGATION & OTHER LEGAL MATTERS.

A. Onondaga Nation Land/Land Rights Claim.

B. Pending zoning issues list.

C. 501C3 leases (Ropes Course).

D. Windmill Moratorium.

E. Christian Hollow cemetery RoW & access.

Wendy Reese noted Kevin Gilligan did a memo to the Board on this. Basically if we have no right of access to the property then there is no way to maintain the cemetery.

Councilor Knapp asked if it isn't against state law to landlock a property.

Wendy Reese said we as a town don't have access to the property.

Councilor Knapp asked if we don't own the abandoned cemetery by default.

Wendy Reese said we only have the responsibility to maintain it. The property is still owned by the property owner.

Supervisor Scammell thinks the appropriate thing to do is to approach the property owner and ask what we can work out with him so we can maintain the cemetery. What are the different options we have?

Wendy Reese said the easiest thing would be if he would give the town some right-of-easement.

Councilor Knapp said this doesn't have to be a direct line from Otisco Road.

Supervisor Scammell said one of the dilemmas we have is he doesn't think they are going to replace the bridge on Otisco Rd. He asked if we pay the owner for this.

Wendy Reese said it would be granted by the property owner.

Councilor Bailey would recommend purchasing a piece of the property to obtain access.

Councilor Knapp would prefer to do something without spending money. He will talk to the property owner about this.

F. Other.

10. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. Community Development Grant app - 2008.

- 1) **Stafford Park.**
- 2) **LaFayette Beach.**
- 3) **Grant writer.**

B. For TB review.

- **Windmill Energy legislation (Zoning Review committee, Town of Onondaga example, etc.)**
- **2009 Town Budget.**

Councilor Knapp asked Tom Chartrand to explain the Town Board's publishing responsibility and requirements.

Tom Chartrand said this has to be published at least 5 days prior to the public hearing. You have to have a decision tonight.

Councilor Knapp said the salaries and a number for the budget are required.

Tom Chartrand said you have to have a tax rate for the Highway Fund, General Fund, Library Fund and Fire Districts versus the amount it would be with exemptions. Right now we are at a 6.9% tax rate increase. This includes the L.F.D.'s request of \$381,300 and \$40,000 for Service Awards and \$26,00 for workmen's comp.

It was decided not to put the \$50,000 back in the L.F.D.'s budget.

Supervisor Scammell said he will write them a letter stating it has been verified that the \$50,000 is available from Senator DeFrancisco's Office.

It was decided to reduce the L.F.D.'s overall budget by \$50,000.

Councilor Knapp said the letter could reference last year's Town Board Meeting Minutes.

Tom Chartrand said this would put the budget at 3.81 % change. This would be \$.21/thousand.

Councilor's McConnell moved and Shute seconded the motion to send a letter to the LaFayette Fire Dept. stating their overall budget has been reduced by \$50,000. Motion passed unanimously.

Councilor's Shute moved and McConnell seconded the motion to move the Tentative Budget to the Preliminary Budget. Motion passed unanimously.

Councilor Knapp asked how the Apple Festival Committee pays their half of the Sheriff's Dept. invoice for the Apple Run.

Tom Chartrand said they can just cut a check to the town for their half of the invoice.

11. NEW BUSINESS.

A. Rx zoning classification – Comprehensive Plan.

B. Stafford Park - flag pole (DK).

Councilor Knapp said he has been waiting to see how the budget was before deciding on this. It was about \$1,300 for the pole. This would be for one identical to the one at the lower park.

C. Education requirements – PB & ZBA.

Mary Jo said the Board Members are still working on this.

D. Other.

Councilor McConnell said two weeks ago there were break-ins on Amidon Road during the middle of the night. There has been destruction to peoples property by off-road driving. He would like to see about using the Sheriff's Dept. to patrol the Thunder Road access and Amidon Road. There was a break-in on Markland Rd. too.

Tom Chartrand said there is \$2,500 budgeted for this.

Councilor McConnell would propose to have the Sheriff's Dept. patrol Friday and Saturday on Thunder Road, Amidon Road and Markland Road.

It was noted the cost is \$135/hour.

Councilor McConnell would like to start this weekend and perhaps do it for the next two weekends for 4 hours.

Councilor Knapp asked if it could be arranged that quickly.

Councilor Bailey said he would have to scramble.

Councilor McConnell said there was a Sheriff’s report filed. The confrontation was escalating quite quickly that evening.

Councilor Shute said there were a couple of break-ins on Ortloff Rd. too.

Councilor McConnell said one place he would have the Sheriff sit is at the end of Thunder Road where there is access. They did get the plate numbers of the vehicle.

Councilor Knapp would have the patrol from 11:00 p.m. to 3:00 a.m.

Councilor Bailey said this would coincide with the Sheriff’s off-duty hours.

Councilor McConnell said these off-road destruction of people’s property in that area has been going on for 2 weekends in a row.

Councilor Bailey said for scheduling, the more advance notice you can give them, the better. If we go 11:00 p.m. to 3:00 a.m. it coincides with their shift changes.

Councilor’s McConnell moved and Knapp seconded the motion to have a Sheriff patrol the Thunder Road area Friday and Saturday nights from 11:00 p.m. to 3:00 a.m. this weekend and next weekend for a total of 8 hours each weekend. Motion passed unanimously.

12. Suggestions for improvement and positive contributions.

13. Executive session (if needed).

- **Highway storage contract.**

14. Councilor’s Bailey moved and Shute seconded the motion to audit & pay the following bills:

GENERAL FUND	#2653 - 2690
HIGHWAY FUND	#2691 – 2716
SPECIAL DISTRICT FUND	#2719
TRUST & AGENCY FUND	#2720

Motion passed unanimously.

15. Councilor’s Bailey moved and Shute seconded the motion to adjourn. Motion passed unanimously.

The Town Board Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Adopted 11/6/08