

Minutes of the Public Hearing held by the Town Board of the Town of LaFayette on April 9, 2001 at 7:00 p.m. in the Meeting room of the LaFayette Commons Office Building on Route 11 in the Town of LaFayette regarding Adult Entertainment Business.

Present: Gregory Scammell, Supervisor  
Norman Paul, Town Councilor  
Thomas V. Dadey, Jr., Town Councilor  
Sandra Smith, Town Councilor  
David Knapp, Town Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Ralph Lamson, CEO  
Kevin Gilligan, Town Attorney  
Mary Doster, Assessor  
Marshall Taylor, Assessor/Clerk  
Cindy Heckerman, Resident  
Ryan Kuhns, Boy Scouts  
Tracey Kuhns, Resident  
Steve Kuhns, Boy Scouts  
Mike Burton, Boy Scouts  
Mike Breadlove, Boy Scouts  
Mary Lou Murphy, Character Education

Roll call taken. All present.

Pledge to the U. S. Flag led by Councilor "Pete" Paul.

Councilor's Knapp moved and Smith seconded the motion to accept the March 12, 2001 Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.

Public Hearings.

Adult Entertainment Business.

Supervisor Scammell opened the public hearing at 7:02 p.m. This would amend the Zoning Ordinance with respect to Adult Uses.

Kevin Gilligan said this limits these uses to designated areas of town by placing them in industrial zones.

Bill Dollar is opposed to adult entertainment even being allowed in industrial zones.

Councilor Knapp asked what his concern was.

Bill doesn't put any weight in the theory or survey they have done. He doesn't think these have anything positive to offer to a community. He believes it will only do harm.

Councilor Dadey, Jr. asked Kevin to explain.

Kevin said constitutionally you cannot ban them from the town so we are trying to confine them to as small an area as possible and as far away from children and religious places as possible. You can't throw them out all together so we are trying to put them in areas where if there are any adverse impacts, they can be minimized.

Bill asked if anyone is proposing one now.  
Councilor Knapp said no but we are trying to address this before it happens.  
Councilor Smith said we are trying to do something beforehand.  
Supervisor Scammell asked for any other comments. There were none.

Councilor Dadey, Jr. moved to close the public hearing and Councilor Knapp seconded the motion. Motion passed unanimously.

The public hearing closed at 7:04 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

Minutes of the Public Hearing held by the Town Board of the Town of LaFayette on April 9, 2001 at 7:00 p.m. in the Meeting room of the LaFayette Commons Office Building on Route 11 in the Town of LaFayette regarding the Industrial Moratorium Extension.

Present: Gregory Scammell, Supervisor  
Norman Paul, Town Councilor  
Thomas V. Dadey, Jr., Town Councilor  
Sandra Smith, Town Councilor  
David Knapp, Town Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Ralph Lamson, CEO  
Kevin Gilligan, Town Attorney  
Mary Doster, Assessor  
Marshall Taylor, Assessor/Clerk  
Cindy Heckerman, Resident  
Ryan Kuhns, Boy Scouts  
Tracey Kuhns, Resident  
Steve Kuhns, Boy Scouts  
Mike Burton, Boy Scouts  
Mike Breadlove, Boy Scouts  
Mary Lou Murphy, Character Education

1. Roll call taken previously. All present.
2. Pledge to the U. S. Flag done previously.
3. Supervisor Scammell opened the public hearing for the Industrial Moratorium

Extension at 7:04 p.m.

Supervisor Scammell said he doesn't believe it's necessary for us to extend it a second time. To his knowledge there are no pending applications that are on the horizon that would create any problems and he thinks to extend it unnecessarily complicates some other applications that are coming before the Planning Board. He is expecting to present something to the Town Board fairly soon. More than 95% of it is done other than the public hearings.

Councilor Dadey, Jr. asked when it expires.

Councilor Paul said April 27th.

Councilor Dadey, Jr. asked if we will do something before then.

Supervisor Scammell believes we would just let it expire.

Councilor Dadey, Jr. asked if we would leave the Industrial Zones the way they are.

Supervisor Scammell said yes, until the final steps are taken. He asked for any other thoughts or feelings on the extension of the Industrial Moratorium.

There were none.

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

The public hearing closed at 7:06 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

Minutes of the Regular Town Board Meeting held by the Town Board of the Town of LaFayette on April 9, 2001 at 7:00 p.m. in the Meeting room of the LaFayette Commons Office Building on Route 11 in the Town of LaFayette regarding the Industrial Moratorium Extension.

Present: Gregory Scammell, Supervisor  
Norman Paul, Town Councilor  
Thomas V. Dadey, Jr., Town Councilor  
Sandra Smith, Town Councilor  
David Knapp, Town Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
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Mary Doster, Assessor  
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Ryan Kuhns, Boy Scouts  
Tracey Kuhns, Resident  
Steve Kuhns, Boy Scouts  
Mike Burton, Boy Scouts  
Mike Breadlove, Boy Scouts  
Mary Lou Murphy, Character Education  
Jon Rogers, ACO

1. Supervisor Scammell opened the Meeting at 7:06 p.m.
2. Roll call taken previously. All present.
3. Pledge to the U. S. Flag done previously.
4. Minutes approved previously.

Communications.

A. Residents.

There was no communication from residents.

NYS Office of Real Property Services: Tentative Special Franchise Assessment, 2001 Rolls.

“The Special Franchise Assessments for the 2001 city and town rolls are being mailed statewide at this time. We would like to bring to your attention several items that will have impact on these 2001 assessments when compared to the 2000 assessments certified last year...It is our hope that by identifying these items up front, we will help each of you to better understand and properly interpret this year’s tentative assessments...Several new companies are being assessed for the first time and may appear on your 2001 tentative notice...”

Mary said our special franchises are up this year. We had two good ones go up. We wouldn’t challenge this.

Councilor Dadey, Jr. assumes LIPA and Keyspan don’t apply to LaFayette.

Mary said no.

Community Map & Newsletter Company brochure.

Supervisor Scammell said this is a brochure about a community map and newsletter. It’s pretty standard relative to other maps sold to communities.

Councilor Dadey, Jr. noted it’s a newsletter too.

Office of the County Legislature: Resolutions.

“Listed below are the resolutions to be presented to the County Legislature at the April Session...”

Supervisor Scammell didn’t see anything of note in here.

NYS Comptroller's Office: Accounting & Bookkeeping Courses.  
Supervisor Scammell said there are two courses being offered. One in Basic Municipal Accounting and one in Advance Municipal Accounting.

CNY SPCA: Picnic in the Bark.

"The Central New York Society for the Prevention of Cruelty to Animals will be hosting "Picnic in the Bark" on Sunday, June 24th, 2001 at the Spinning Wheel Restaurant, located at 7384 Thompson Road, N. Syracuse. The purpose of this function is to raise funds for the Society which is a nonprofit organization dedicated to the care of homeless, unwanted, and abused animals in the Central New York area..."

Cornell Cooperative Extension: Pilot Project.

"The outbreak of the lethal 0157:H7 strain of e-coli at the Washington County Fair and the resulting deaths and illnesses were an unfortunate reminder of how easy it is to pollute groundwater and how awful the consequences. In order to lessen the risk of such a catastrophe occurring in the future, Cornell Cooperative Extension has begun to develop an educational package for businesses and organizations that get their water from private wells.

I am writing to you to ask you to participate in a pilot project of these materials, to provide input on all aspects of the materials. We would like to test the materials with individual businesses and as part of a workshop. We expect the pilot process to take between 3 and 6 hours. We have applied for pesticide and small water operator re-certification credits for the pilot and anticipate participants being able to receive them. I will contact you in the next few weeks to tell you more about the program and see if you would like to participate. Please feel free to call me sooner."

Councilor Knapp said down at the Apple Festival grounds they get their water from the little water district down there.

Mary is pretty sure they're the last ones on that.

Councilor Knapp said that water system is managed.

Supervisor Scammell said OCWA does it.

Councilor Knapp said O.K.

Councilor Dadey, Jr. asked what about the Optimist fields. He asked what some of the other towns do.

Kevin said they are on public water. It's pretty standard when you are going to be serving the public and you are on a well rather than public water to have it tested.

Councilor Dadey, Jr. asked if it wouldn't make sense to test some of these areas.

Supervisor Scammell would support testing all the areas. Maybe we can get some of the preliminary stuff done by Cornell Cooperative Extension.

VoiceStream Wireless: New Address.

"VoiceStream Wireless hereby provides notice that the corporate headquarters has moved to a new location..."

Supervisor Scammell said the addresses are listed.

Cornell Cooperative Extension: Extension Extra.

Supervisor Scammell said there is an article on Stormwater Management and a Workshop on Forestland Investment.

Leon said to meet the requirement by February 1, 2003, we have to have a map with all our drainage ditches on it, all the driveway and crossover pipes and anything to do with any ditch water flow so they can look at the map and see what we have. The engineer is going to have to check out how far we have to go from where the water runs from the road across people's property. We have to find out if we have to go all the way to Butternut Creek, etc.

Councilor Knapp asked if we are just responsible for the town roads.

Leon said we are responsible for the Town of LaFayette.

Councilor Knapp said so we have to do the map for route 20, etc.

Leon said anything for LaFayette.

Councilor Dadey, Jr. said we may want to give some thought to getting an estimate from the town engineer to budget for it in 2002.

Marshall asked if every time you put a culvert in for a driveway it would have to go on the map.

Leon said no because there is already a ditch there. If you build a new road, you would have to add it to the map.

NYS Assembly Speaker Sheldon Silver: Focus on Health Care.

Cost Control Associates: Street Lighting refunds.

"The New York State Public Service Commission will soon make a final determination on additional refunds owed to certain Niagara Mohawk Power Corporation street lighting customers. Cost Control Associates currently represents 19 municipalities in this case and we are working to insure that they receive the full refund due. We have calculated that these municipalities are owed millions of dollars in refunds.

Based on our experience with these 19 communities, we believe we can recover a significant refund for you, too. The enclosed brochure briefly describes the process through which we have achieved success with others in a similar situation.

With Cost Control Associates, there are never any "up-front" costs – fees are based on the results we achieve for you. You only pay us a percentage of the refunds we obtain for you. If your municipality is not owed a refund, **YOU OWE US NOTHING.**

Now is the time to find and correct any problems with your bills..."

Councilor Dadey, Jr. asked if it made sense to enter into something like this.

Supervisor Scammell said not from his point of view.

Councilor Dadey, Jr. asked if we didn't do something like this before.

Supervisor Scammell said about 3 years ago Dave Hess went through and did an audit on the town. We did get some money back from it.

Councilor Paul said he changed the type of lighting too. This says it will only pay us a percentage of the refunds and doesn't say what the percentage is.

Councilor Dadey, Jr. believes it's usually about 50%.

Supervisor Scammell said as a Niagara Mohawk employee, he leaves this up to the Town Board to decide. This addresses things like: are you being billed at the correct rate, do you have the number of lights required, are there too many poles, etc.

Councilor Dadey, Jr. said these were popular a couple of years ago but he doesn't

know how popular they have been over the last couple of years.

Supervisor Scammell said they have more accurate records now.

There was no interest in this.

Mike Moltion: Resignation.

“I am resigning from the position of Assistant Animal Control. I am giving one months notice. I have enjoyed working with you and the rest of “the crew”. I feel that I can not provide the people of LaFayette with the service that is required to do a good job. I am working second shift and have people calling upset that no one can answer their calls. I thought that this would be a part-time position but I am getting a lot of complaints as I am on the way to work. Most people are telling me that I am the only one that they can get a hold of and so I am put on the spot too many times. Let me now if I can help you later.”

Mary Jo said Blanche Rainbow is interested in applying for this position. She has submitted a written request that she will pass on to the Board.

Councilor Knapp also knows of someone who might be interested in this position. He will follow-up on it now that the resignation has been submitted.

Supervisor Scammell said Mike has given 1 month’s notice. He called Jon Rogers to see if there is someone he recommends and hasn’t heard back from him yet. Association of Towns: Comp Alliance.

“As the renewal date for your workers’ compensation coverage approaches and you begin to review your options for satisfying this important obligation, I encourage you to consider the New York State Municipal Workers’ Compensation Alliance (Comp Alliance).

The Comp Alliance, founded by the Association of Towns in 1994, is a non-profit, tax-exempt group program designed specifically, and solely, for municipalities in New York State. Aggressive claims management, loss prevention, and stable yearly funding premiums are cornerstones of the program.

The primary directive is to aid New York State’s local governments by providing a sound and cost effective solution to your workers’ compensation responsibilities. Since inception, the Comp Alliance has been able to provide participating municipalities with stable workers’ compensation costs while delivering superior claims and risk management services...”

Supervisor Scammell said if you are interested in finding out about this, it gives the names and numbers to contact.

Councilor Paul asked if anyone knew any history on them.

Councilor Dadey, Jr. asked Kevin if any of the municipalities he deals with have bought into this.

Kevin is not aware of any. He is sure they would give a list of who in Onondaga County is a member.

Councilor Dadey, Jr. asked when our workers compensation is up.

No one knew off hand.

There was no inters in carrying this further.

NYS Governor George Pataki: NY Farmers.

“New York States’ Agricultural Heritage

Agricultural is New York's leading industry.  
Governor Pataki grew up on a 12-acre fruit and vegetable farm in the Hudson Valley.  
The 1997 Census of Agriculture counted 31,757 farms in New York State.  
Farms in New York State sold \$2.83 billion worth of agricultural products, an average of \$89,256 in sales per farm.  
Agricultural land represents 26 percent of the state's land base.  
Milk is New York's leading agricultural product and is produced throughout the State."

Child Care Council of Onondaga County: The Secret Garden.

"Thursday, May 10, 2001 at Storch Theater..."

Time Warner Cable: Social Contract Progress Report.

"As you may recall, Time Warner Cable entered into its Social Contract with the Federal Communications Commission in November, 1995. That five-year commitment requires both technological and community investments by our company. Your municipality was provided with copies of the Social Contract upon its acceptance..."

I am also pleased to report that, by the end of last year, we launched advanced broadband services to customers in every one of our systems comprising the Syracuse Division. Both Road Runner, our high-speed online service delivered over cable, and Digital Cable, offering customers choices of more than 200 channels, are now available to the more than 325,000 customers that we serve..."

Other.

Supervisor Scammell asked for any other communications. There were none.

Special Report: Ryan Kuhns.

Supervisor Scammell introduced Ryan Kuhns.

Ryan said he is here tonight to talk about his Eagle Scout project. He submitted some pictures for landscaping around the office building. Outside they are probably going to be going around the sign and as you walk into the front door. They might also do something around the flag pole with some brick and flowers.

Councilor Knapp asked how far we can go down near the library as they have their own thing going.

Supervisor Scammell said they do have the William Kurgan Fund and have planted some trees and flowers in the library front yard.

Councilor Knapp asked how far Ryan wanted to go down that way.

Ryan said he could go down as far as they wanted him to.

Councilor Knapp said if he plans on going in that direction, he would recommend discussing this with the library.

Councilor Dadey, Jr. asked if he had an idea of cost.

Ryan would recommend \$300 be set aside and he would hope for some donations from Watsons or the Green Thumb, etc.

Councilor Paul asked if the lighting should be increased around the sign.

Ryan agreed that maybe a stronger light could be put in or more lights spread out.

Councilor Paul asked when he planned on getting started.

Ryan said it must all be approved by the Eagle Board first.

Councilor Dadey, Jr. asked if he had met with them yet.

Ryan is trying to make arrangements with them.

Supervisor Scammell asked him introduce his fellow scouts.

Ryan introduced his brother, Steve Kuhn, Mike Burton and Mike Breadlove. He said right now they are here for a requirement of the Citizenship Award.

Supervisor Scammell asked if they had any questions.

There were none.

Councilor Dadey, Jr. would encourage them to all get their Eagle like Ryan is doing.

Councilor Knapp asked Councilor Dadey, Jr. what he did for his Eagle.

Councilor Dadey, Jr. said he walked for Outreach in an event he organized with Betty Wallace.

Councilor's Dadey, Jr. moved and Knapp seconded the motion to approve Ryan Kuhns' presentation to go ahead with his Eagle Scout project by landscaping the Town Offices upon acceptance of the Eagle Review Board not to exceed \$500. Motion passed unanimously.

## 7. Reports.

Departmental (4th Monday).

Animal Control.

Code Enforcement.

Highway.

Justice.

Library.

Recreation.

Town Clerk.

Town Supervisor.

Committee (2nd Monday).

Communications and Technology.

Town web site.

Mary Jo advised she has resent Mike everything as his computer crashed and he lost all the previous information. He will be uploading the website shortly.

Town office phone system bid selection (MT).

Marshall advised the lines are in. The contract has been signed and a 50% down payment was mailed on Friday. Hopefully by the next Meeting it will be installed. The equipment was ordered and takes about 2 weeks to come in.

Councilor Dadey, Jr. asked if we did anything about the warranty.

Marshall said if it runs out, he will notify us and we can decide whether we want to extend it or not. Luckily this gentleman lives right in town and drives by here every day.

Employee Policies and Benefits.

Adoption & distribution.

Councilor's Smith moved and Scammell seconded the motion to adopt and distribute the Employee's Handbook to all employees. Motion passed unanimously.

Highway.

New EPA ditching requirements (Sgromo Engineering follow-up).

Supervisor Scammell hasn't gotten anything back from the engineers yet.

Drainage issues on Summer Ridge (on hold until spring thaw).

Supervisor Scammell said he spoke with Sue Marzo over the weekend about the ditch near her house. He asked Leon to update him on this.

Leon said the ditch in front of their house is suppose to be redug by the Highway Dept. and some smaller stone put in. The holding pond is suppose to maintain a fast runoff so they don't get washing. There is still some water coming down McConnell's driveway that isn't suppose to.

Councilor Knapp asked how that can be stopped.

Leon said you really can't. They have caught all the water in the holding pond up above. He said they had an awful day yesterday. Early Sunday morning he went up on Newell Hill. The ditch washed out and the water, stone and gravel was going right down around Keefe's pool. It was a mess for awhile. He called help in but before they got there he cleaned the pipe out that was causing the problem. He stopped the water from going Keefe's way. They had to rework the whole section up there. They have a little more work to do. He was planning in June or July sometime to bring up a vehicle that he wants to replace. His thoughts were to get it on state bid. He started working on this and all the sudden this state bid is with Genesee Truck Sales in Rochester and he was advised April 25th is the cut-off date for state bid and they don't think there will be another one until November. He wants to replace Cliff's 92 Chevy 1-ton and move it down to replace the 85 Chevy they will be getting rid of. The cab and chassis is \$26,139. The diesel engine is \$3,794. The dump body is \$3,515 and the hydraulic system which includes all the hoses, etc. is \$4,493. For the trailer hitch it's \$229 and the electric plugs that go with it are \$75. The amber light is \$285. The 9' plow is \$2,400. The limited slip is \$300. The total is \$41,230. This truck is a F-550 4 x 4 Ford. The trucks we have now are 12,508 carrying capacity. We are overloading them sometimes. On this Ford, it's a 17,500 capacity which is two tons more. The frame is real strong on this.

Councilor Knapp asked if they hadn't had to fix frames before.

Leon said yes. There's a spare wheel and tire with it. We are going to have to buy a sander but he doesn't want to buy it on this contract. He is getting separate prices. He would like to stay with something similar to what we have so the parts we have might fit them all. The stainless steel sander is just about double a regular steel sander. Charlie Knickerbocker bought two large sanders in 1986. The only thing they have had to do with them is put new wear plates on them and chains. The 3 big sanders we have already and they are stainless steel. This company proposed \$5,500 for the sander. He got an estimate from Roberts for the same size sander but stainless steel and if it was bought within a couple of weeks the estimate would be \$4,334. That is about \$1,100 less than the one on the state bid. On the state bid they have two hydraulic motors on it. Most sanders only have one on the back. Our big sanders are set up with two motors. That would be the only benefit of having something like that. We could always put a second motor on the other one. He is asking for an O.K. to order this truck and talk about the sander at a later date. Along with this O.K., because the money has been transferred to a capital reserve account, we have to have a permissive referendum.

Kevin said sometimes when you have things in a reserve fund, it is subject to a

permissive referendum.

Leon said he has \$70,000 in the capital reserve for this.

Councilor Dadey, Jr. said we put money in the capital reserve fund every year at budget time.

Leon said we put \$35,000 in but this year we have to subtract the truck payment out of it which is around \$18,000.

Councilor Dadey, Jr. said so roughly there will be 50+ thousand left which will cover this truck.

Leon said the truck is \$41,000.

Councilor Dadey, Jr. asked what other equipment purchases Leon is planning on making this year.

Leon said the sander is all. He doesn't think it will go over \$4,500 for it.

Councilor Knapp asked if we have any kind of an equipment schedule like we do with the Fire Department.

Leon said we have been going to do that and haven't yet. Our next big item would be the loader.

Councilor Dadey, Jr. asked how we are down the road for that.

Leon would like to go another 2 years on this.

Councilor Paul asked the price.

Leon said he thinks it is about \$87,000.

Councilor Dadey, Jr. asked if this is something we can do for 5 years out so we can plan accordingly at budget time.

Leon said yes.

Councilor Dadey, Jr. doesn't believe we did a permissive referendum for the truck which was leased.

Kevin said if it didn't come out of this fund, it wouldn't be triggered.

Leon said before all he needed was a Town Board approval. Since then, Tom Chartrand read some rules and regulations that he had to put this money into a different savings and that is why he reminded Leon about the permissive referendum being needed.

Councilor Dadey, Jr. asked what we can do tonight.

Councilor's Knapp moved and Dadey, Jr. seconded the motion to authorize Leon Cook to buy the 2001 4 x 4 diesel truck off of state bid #40570 for an amount not to exceed \$41,230 and that money be paid out of the capital reserve subject to permissive referendum.

Councilor Dadey, Jr. said he needs to buy this truck by the 25th which doesn't give us 30 days for the permissive referendum.

Kevin believes the order has to be in. He asked Leon what rights he has to cancel an order after it's placed.

Leon doesn't think there's a problem with it.

Kevin said we need to know this in case a permissive referendum is challenged and then could take 3-4 months. The chance of this purchase being challenged is unlikely because of the need by the Highway Dept. Leon must indicate that the order is being done with a capital reserve fund and it's subject to a 30-day referendum.

Supervisor Scammell advised Tom Chartrand will be here later in the meeting.

Councilor Knapp withdrew his motion until Tom Chartrand arrives.

Councilor Dadey, Jr. asked for any update on the mudslide area.

Leon said the area on Tully Farms Rd. looks good. There was one on Apulia Rd. on the railroad tracks. They were suppose to have this cleaned up by 7:00 p.m. tonight for a train to go through. There was no mud actually on the tracks. It started at the edge of the tracks and went down.

Supervisor Scammell said he drove through the Tully Valley area tonight and the creek is a little high by Shute Road but everything else looked O.K.

Councilor Smith said they are going to take fill in by train starting tomorrow for the slide near the tracks.

OCCRA Liaison.

Intermunicipal Feasibility Study.

Councilor Knapp said all 4 towns approved the motion for the study.

Physical Plant.

Nothing to report.

Recreation and Youth.

Bailey Park: dumpster, recreational options, basketball hoop, additional sand and safety hazard (left over posts in former tennis court).

Nothing to report

Town ball-field insurance for Women's and Men's Softball Leagues (DK).

Nothing new to report.

LaFayette Beach transfer.

Councilor Smith is getting some bids on the bathhouse at the Beach to see what it will cost to have it replaced.

Councilor Paul asked what is going on with the box lacrosse.

Councilor Knapp said nothing at this point. Community Council is considering a reconfiguration at Stafford Park. He asked if the spec's and bids on the bathhouse are different from what they got before.

Councilor Smith said yes.

Councilor Knapp said the Optimist and Community Council are on for the 28th cleanup.

Councilor Paul asked Councilor Smith if she knew the Optimist Club Fishing Derby was the same date as the Ropes Course Open House.

Councilor Smith asked the age group for the fishing derby.

Councilor Dadey, Jr. said K-6th.

Councilor Smith doesn't think there will be that much of a conflict.

Councilor Knapp said they are also putting in the new playground at Grimshaw on the 28th.

Councilor Smith said she hopes the weather cooperates.

LaFayette Beach neighbors' concerns: noise, parking, access/hours, lighting, loitering. Summer contingency plan.

Nothing new to report.

Lacrosse program facilities evaluation and re-siting.

Discussed above.

Safety.

Mary Jo said the required posters are all up.

Councilor Smith said they had a fire alarm call for the Community Center. The concern from the state trooper is that they didn't evacuate the building. He said there should be something on the wall stating what to do if the alarm goes off.

Councilor Knapp asked what set it off.

Councilor Smith said the people using it had a birthday party there and had a fog machine which set off the smoke detector.

Senior Transportation and Housing.

Housing Survey. SU Links Program.

Supervisor Scammell spoke with the student who just got back from spring break and quite a bit of the survey is done.

Transportation Survey: MCOA.

Supervisor Scammell hasn't heard anything from them.

Service Awards.

No letter has been received from the Service Award Committee.

Water.

Nothing to report.

Zoning Review.

Industrial zones.

Adult Entertainment Businesses (public hearing, 4/9, 7:00). SEQR negative declaration.

SEQ CHAPTER \h \r 1

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

WHEREAS, pursuant to the provisions of the Town Law, a proposed ordinance, "An Ordinance Amending the 1970 Zoning Ordinance of the Town of LaFayette, as Previously Amended, With Respect to Adult uses", was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on March 12, 2001; and

WHEREAS, a public hearing was held on such proposed ordinance on this 9th day of April, 2001 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 ordinance having been heard, and said proposed ordinance having been in the possession of the members of the Town Board of the Town of LaFayette in the manner required by law; and

WHEREAS, a negative declaration under SEQR regarding the adoption of this

proposed Ordinance was rendered on March 12, 2001 for the reasons stated at such time and due notice of such determination having been circulated as required by law: and

WHEREAS, this proposed Ordinance was referred to the Onondaga County Planning Agency for its review and comment and that agency has taken no position with respect to the proposed Ordinance; and

WHEREAS, it is in the public interest to adopt said proposed Ordinance

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby adopt the proposed Ordinance as follows:

## ORDINANCE

Town of LaFayette

An Ordinance Amending the 1970 Zoning Ordinance  
of the Town of LaFayette, as Previously Amended,  
With Respect to Adult Uses.

Be it Ordained, that the 1970 Zoning Ordinance of the Town of LaFayette, as previously amended, is further amended, as follows:

Purpose.

It is recognized that buildings and establishments operated as adult uses have serious objectionable operational characteristics. In order to promote the health, safety and general welfare of the residents of the Town of LaFayette, this ordinance is intended to restrict adult uses to Industrial (i) District areas of the Town. The Town Board of the Town of LaFayette (hereinafter the "Board") hereby finds that the operational characteristics of adult uses and the secondary effects of adult uses increase the detrimental impact on a community when such uses are spread throughout the community. Based upon common knowledge and experience and studies conducted by other municipalities (including but not limited to: Syracuse, New York; Kansas City, Missouri; Bergen, New York; Scotia, New York; Dryden, New York; and Ellicottville, New York) (which studies have been reviewed by the Board), and considering the study conducted by Syracuse, New York concerns itself with an area in proximity to the Town of LaFayette, the Board finds that the adult uses sought to be regulated by this ordinance have been associated with criminal and other socially undesirable behavior, such as disorderly conduct, prostitution, pornography, drug trafficking and substance abuse, which have the resulting effects of depressing property values in the surrounding neighborhood and increasing the burden upon law enforcement personnel and municipal expenditures. Therefore, this ordinance is intended to promote the health, safety and general welfare of the residents of the Town of LaFayette by regulating the concentration and location of such adult uses. This ordinance has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by the distributors and exhibitors of adult

entertainment and/or sexually orientated entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

#### Definitions.

General. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Specific Terms. As used in this ordinance, the following terms shall have the meanings indicated, and ARTICLE VIII, Section B (“Particular Definitions”) of the 1970 Zoning Ordinance of the Town of LaFayette, as previously amended, (hereinafter the “Zoning Ordinance”) is amended to add the following definitions:

Adult Use - Any business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting describing or relating to specified sexual activities or specified anatomical activities, including but not limited to adult arcades, adult bookstores or video stores, adult cabarets, adult live entertainment, adult motels, adult motion picture theaters, adult novelty stores, and massage establishments.

Specified anatomical activities include any of the following:

- A. Less than the completely and opaquely covered human genitals, pubic region, pubic hair or buttocks or female breast or breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state even if completely and opaquely covered.

Specified sexual activities include any of the following:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of actual or simulated human masturbation, sexual intercourse, oral copulation or sodomy.
- C. Fondling or other intentional erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- D. Excretory functions as part of or in connection with any of the activities set forth in subdivisions A through C of this subsection.

Adult Arcade - an establishment where, for any form of consideration, one or more still or motion picture projectors, slides projectors, or similar machines, or other image producing machines, for viewing for five or fewer persons each, are regularly used to

show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical activities.

Adult Bookstore or Video Store \_ A business which (I) derives twenty-five percent (25 %) or more of its gross income from the sale, or rental of, or (ii) utilizes twenty-five percent (25 %) or more of its retail selling area for, or (iii) has stock comprised of twenty-five percent (25%) or more of, any of the following: Books, magazines, periodicals, films, motion pictures, video cassettes, Dads, slides, compact discs and/or computer generation or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Cabaret - A nightclub, bar, restaurant, bottle club, juice bar, club or similar commercial establishment, whether or not alcoholic beverages are served, which features:

- A. Persons who appear nude or in a state of nudity or semi-nudity; or
- B. Live performances which are characterized by the exposure of specified anatomical activities or by specified sexual activities; or
- C. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical activities.

Adult Motel - A hotel, motel or similar business which:

- A. Offers public accommodations, for any form of consideration, which provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical activities and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television or;
- B. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- C. Allows a tenant or occupant to sub-rent the sleeping room for a period of time less than ten (10) hours.

Adult Live Entertainment - A business where an adult male or female exposes parts of their body identified in specified anatomical activities.

Adult Motion Picture Theater - An enclosed or unenclosed building or structure or portion of a building or structure or drive-in theater used for presenting materials having,

as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical activities for observations by patrons therein.

Adult Novelty Store - A business which (i) derives twenty-five percent (25%) or more of its gross income from the sale, or rental of, or (ii) utilizes twenty-five percent (25%) or more of its retail selling area for or (iii) has stock comprised of twenty-five percent (25%) or more of, any of the following: instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomachistic use or abuse of themselves or others.

Business - Any commercial enterprise, establishment, association or arrangement for profit.

Dissemination - The transfer of possession, custody, control or ownership of or the exhibition or presentation of any performance to a person, customer, member of the public or business invitee of any material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical activities.

Massage - A method of treating the external part of the human body by rubbing, stroking, kneading or vibrating with the hand or any instrument or any other treatment or manipulation of the human body which occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto, exposes his or her specified anatomical areas.

Massage Establishment - Any business where body rubs, body shampoos, massages (as defined above) or similar services are administered. This definition shall not include persons licensed or authorized pursuant to Article 155 of the Education Law, or specifically exempt from Article 155 of the Education Law See, Education Law Sections 7800 et seq.).

Person - Any individual, firm, partnership, corporation, association, limited liability company, business entity or legal representative, acting individually or jointly.

Town - The Town of LaFayette.

Article II, Section F, Subsection 1 of the Zoning Ordinance (which describes the structures and uses permitted in Industrial (I) Districts is amended to include a new subsection "(e)", which shall read as follows:

“(e) Upon controlled site approval, Adult Uses meeting the requirements of Article II, Section F, Subsection 3 below.”

Restrictions.

A new Article II, Section F, Subsection 3 shall be added to the Zoning Ordinance

which shall state as follows:

“3. Restrictions on Adult Uses:

a. No adult use shall be allowed or permitted in any zoning district of the Town, except a Industrial 1 District. All adult uses shall comply with all applicable provisions of the Zoning Ordinance including those relating to structures and uses permitted in an Industrial 1 District.

b. No person shall construct, establish, operate, or maintain, or be issued a certificate of occupancy for, any adult use within the Town unless such use meets the following standards:

1. No more than one adult use shall be allowed or permitted on any one lot.

2. No adult use shall be allowed or permitted on a lot that is within 500 feet of: (a) any Residential District (AR, RPC, RM) or the Hamlet (H) District; (b) any property that is used, in whole or in part, for residential purposes; (c) any church or other regular place of worship, community center, library, school, nursery school, day-care center, public park, playground, recreational area or field; (d) any public buildings; and (e) any hotels or motels.

3. Where there is a conflict between the regulations as provided in this Section (II)(F)(3) and any other ordinance, law, rule or regulation of the Town including without limitation the Zoning Ordinance, the most restrictive law, ordinance, rule or regulation shall apply.

4. All distances set forth herein shall be measured from the building or structure in which the adult use is located or any sign advertising same to lot line of the receptor use.

c. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical activities from any public way or from any other lot, including but not limited to any lighting, display, decoration, poster, photograph, video, sign, show, doorway, window, screen or other opening.”

Penalties for offenses.

A violation of any provision of this ordinance shall be punishable as provided in the Zoning Ordinance.

§6 Severability.

If any part or provision of this ordinance or the application thereof to any persons or circumstances shall be judged invalid, such judgment shall be confined to the part or application adjudged to be invalid. Such decision shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so decided to be invalid.

Effective Date. This Ordinance shall take effect as provided in Section 265 of the New York Town Law.

Public and Private Horse Stables.

Unfinished business & active projects.

Litigation and other legal matters.

Hamlet SE Corner Properties – Grey Building & Coral House/Route 20E, Red Brick/Route 11S. Bankruptcy Sale: 5/8.

Supervisor Scammell said there is probably nothing we can do until May 8th.

Kevin said that is correct.

Councilor Knapp asked if that date was set in stone.

Kevin said it's scheduled.

Councilor Paul asked if this auction was just for that property.

Kevin believes there are two of them.

Councilor Paul asked if anyone could attend.

Councilor Dadey, Jr. will try.

Councilor Knapp asked if anyone had contacted Mr. Moracco.

No one had.

Councilor Dadey, Jr. thought the county was going to notify him. He will follow-up on this.

Kevin said advising him of this would probably be a good idea.

Apple Ridge assessment.

Nothing new to report.

Summer Ridge Subdivision Phase II (awaiting Lynn Hutton response).

Onondaga Nation Land Claim (pending).

Other Active Projects.

LaFayette Community Council: Not-for-profit 1st annual filing.

Nothing new to report.

Annual IRS Requirements for LCC, LFD, & LPL.

LCS/YCIP composting toilets proposal at LaFayette Nature Center.

Nothing new to report.

School Crossing Guards (Current pay, insurance & liability issues, walking required or optional, school closings, alternative methods of service, training, locations, AM & PM, traffic control vs. pedestrian control, T. Riley's insurance memo). \*(pending letter to Joe C.)

Supervisor Scammell has not written Mr. Coleman a letter yet.  
Councilor Dadey, Jr. said he would talk to him and this item can be removed from the agenda.

Town Offices security system at LaFayette Commons.  
Mis/false keys.

Councilor Knapp said he is going to contact the ADT service folks. He said Marshall had a good idea. When we do the phone system, we could mount an incoming phone only by the pad so if someone has a problem with it they would be able to answer the phone when the security monitoring company calls with the password.

Councilor Dadey, Jr. asked if this would require an additional line.

Marshall said based on the majority of the Town Board's opinion, the line has already been installed. When the gentleman comes to install the phone system, this will be part of it. Mary Doster will have a phone on her desk which is on the same line. You would have to have a code to call out on the phone by the security pad. The people downtown will be notified to call the number of the phone next to the pad. We are still under budget on the lines being put in.

Councilor Knapp and Supervisor Scammell agreed with this idea.

Councilor Dadey, Jr. asked if it wouldn't make more sense to just have the pad replaced rather than having a phone put in.

Councilor Knapp said the cost of these phone alarms will be discussed with ADT Service representatives. Dale Sweetland is going to try to work on this.

Councilor Dadey, Jr. asked Kevin to draft up something for Dale Sweetland to try to get passed in the legislature.

Councilor Dadey, Jr. moved to forward a resolution to our County Legislator Dale Sweetland, encouraging him to pass a resolution exempting municipalities from fines under the county alarm law. Councilor Knapp seconded the motion. Motion passed unanimously.

Kevin will do up the resolution and give it to Mary Jo for her to forward on.

Final payment.

Mary Jo advised this has not been paid to date.

LaFayette Nature Preserve – Challenge Ropes Course (on hold until Spring, 2001).

Town office copier: Service Contract update.

Marshall presented a proposal regarding the copy machine. He reviewed the information he submitted to the Town Board.

Councilor Knapp is certainly in favor of the new one for the Town Offices. They used the DWI money in court to buy the computers.

Marshall said the computers were leased. The DWI money won't be gone until the end of 3 years for the computers.

Councilor Knapp said if we wait a couple of years and pay the service contract on this one, they could possibly buy their own out of DWI funds.

Councilor Dadey, Jr. said buy one and give the old one to Justice and their old one

to recreation. If for some reason we need a new machine, budget time is coming up.

Councilor Knapp said if they can buy their own with the DWI money, why not let them use it as it can only be used for certain things.

Councilor Smith said if we replace both machines now, what is the life expectancy?

Marshall said 5-7 years.

Councilor Smith said we would be better to stagger replacing them.

Councilor's Dadey, Jr. moved and Knapp seconded the motion to buy the copy machine on state contract not to exceed \$10,025. Motion passed unanimously.

8) Town Insurance proposal.

Town Offices: Indebtedness Schedule.

Character Education.

NM pole brackets for banners.

Other.

Supervisor Scammell reviewed the requirements that Niagara Mohawk has for mounting apparatus on their poles. We have to send a written request to them and he believes they attach the brackets.

Councilor Knapp asked if we could have David Hess attend the next Town Board Meeting regarding this matter.

Supervisor Scammell will invite him to attend.

Councilor Paul requested Mrs. Murphy to attend also.

Mrs. Murphy wonders if this means the hardware can't be left up year-round.

Supervisor Scammell thinks you can with their permission.

Mrs. Murphy submitted a description of the brackets. She wondered if Leon could find a wholesaler for the brackets rather than purchasing them from the buyer.

Leon isn't aware of anything.

Mrs. Murphy will keep trying.

Supervisor Scammell will ask David Hess about this to see if he has some names to contact.

Councilor Paul suggested she contact Balch Flag Company.

New Business.

Other.

Supervisor Scammell asked if anyone had anything to bring before the Town Board this evening.

There was nothing brought forward.

Councilor's Dadey, Jr. moved and Knapp seconded the motion for the Town Board to go into Executive Session to discuss a matter leading to the appointment of a particular person. Motion passed unanimously.

The Town Board went into Executive Session at 8:32 p.m. and was called back to order by Supervisor Scammell at 9:02 p.m.

Councilor Dadey, Jr. asked if we wanted to use the money to pay off the building. Supervisor Scammell said we made the decision last fall not to pay off the building. Other expectations for the money have flowed forward. Community Council had some of these expectations. He hates to jeopardize those other items to pay the building off.

Councilor Knapp said he wasn't on the Town Board then but taxes weren't going to be raised to pay off the building.

Councilor Dadey, Jr. said they wouldn't be but we received revenues from the towers that we didn't anticipate.

Supervisor Scammell said Tom Chartrand didn't believe we could pay off the building and not increase taxes. He doesn't believe a bond anticipation note would be needed for the other smaller projects we have been discussing.

Councilor Smith said when this was brought up at budget time, it was agreed upon that we wouldn't be paying the building off and she believes this is what we should be sticking by.

Councilor Dadey, Jr. thought we agreed that we would look at this at the appropriate time. He asked Councilor Smith if she was in favor of paying this off at one time.

Councilor Smith said at budget time she was.

Councilor Dadey, Jr. asked what changed this.

Councilor Smith said she was outvoted on this matter at budget time and since then the smaller projects have come along that need to be done and she can't see bonding for the smaller projects.

Councilor Dadey, Jr. asked what the projects are that are out there.

Supervisor Scammell said there's almost a complete renovation of the Beach.

Councilor Dadey, Jr. asked if they hadn't budgeted money for this.

Supervisor Scammell said they believe this is the towns responsibility and not theirs.

Councilor Dadey, Jr. asked if we are saying we need to spend money on the bathrooms at the Beach by the end of this fiscal year.

Supervisor Scammell said there's potential. We are looking at some bids for it now. There's drawings done. We also have to deal with the residing of the lacrosse box. It would be difficult to say we aren't going to go ahead with these items because we are going to pay the building off. He believes they would like to have the facilities in good shape.

Councilor Smith said the bathrooms at the Beach are in such bad condition, we would have to bring in porta-johns for the kids.

Supervisor Scammell believes they were in deplorable condition when he visited the Beach last year.

Councilor Smith said they are being watched very closely by the Health Dept.

Councilor Dadey, Jr. asked if they honestly thought we could build new bathrooms down there by July 1st.

Supervisor Scammell said we have enough information. We would like to get matching funds on some of the stuff. He isn't saying it couldn't be done.

Councilor Dadey, Jr. asked what the other projects out there were.

Councilor Knapp said we are looking at doing something with the lacrosse facilities.

Councilor Dadey, Jr. asked how we paid for this before.

Leon said mostly donations and everybody volunteered to put the thing together.

Councilor Knapp said we are going to be putting money into that thing whether we move it or not because it's deteriorated to the point where we are going to have to do some major work on it. If we are going to move it, it would be better to do it sooner than later. Regina is looking into getting some information from Tully on this.

Supervisor Scammell said even if we continue ahead on the path we are on, it doesn't mean we can't look to reduce taxes at this coming budget time the same as we do every fall. We have some more money, some unexpected income for the town.

Councilor Dadey, Jr. said we have the Beach houses, the box lacrosse and did we use part of this money for the new phone system?

Councilor Knapp said yes. He thinks it was 50/50.

Supervisor Scammell said here it's April and we have already wiped out our contingency. We are in the process of making 2 sizeable purchases this year. Until Marshall put the numbers together we didn't know what they were.

Councilor Dadey, Jr. asked why we go through the budget process when we are going to purchase the truck, etc. anyway.

Councilor Smith said sometimes you can't predict when something goes.

Councilor Paul said if we didn't have the money to do these things, he thinks we would be scrounging to fix what we have. This is an opportunity to do a good job at what we need to have done.

Supervisor Scammell said this is a stream of revenues that would have gone on 4-5 years that we are just getting all at once.

Councilor Dadey, Jr. said just the first one. Now we get 20 thousand something a year and now we have one more negotiating. He thinks we have room for a couple more carriers on the tower.

Kevin said the only other one we know of is Cell One and we haven't heard from them in 2 weeks since he sent the memo out.

Councilor Paul knows a guy who installs the towers and they are also rated for what people put on them. You can tell by the rating of them how many carriers can be on it.

Councilor Dadey, Jr. asked if Tom C. had any feelings on what we should do.

Supervisor Scammell said the Board can ask him when he arrives.

Councilor Dadey, Jr. said he knows more about the municipal finances than the Board does.

Supervisor Scammell doesn't believe he wants to be seen as pushing one way or the other.

Councilor Dadey, Jr. said so there's pros and cons to it.

Councilor Knapp said yes. From a pure numbers aspect there's one way to look at it and it's different then when looking at the global aspect of it.

Supervisor Scammell said if we are forced to tear down the Robinson property,

where would we get this money from? We get reimbursed from the county but we must front the money.

Councilor Paul asked if any of this hinged on what we decide with Leon.

Kevin said he thinks the money for Leon is in a dedicated fund for the purchase of highway equipment. He doesn't know for sure about this.

Councilor Dadey, Jr. would like to discuss this with Tom C. at the next meeting.

Leon said if they give him the O.K. to order the truck, he will find out if he can cancel this if the permissive referendum doesn't go through.

Councilor Paul said to ask the guy if he had any times the state contracts extend for 3-6 months based on the workload of the state trying to get everything in. He's seen times when they have done this.

Councilor Knapp said especially as the state budget is late.

Leon will look into it.

Councilor's Knapp moved and Smith seconded the motion to authorize the purchase of a 2001 Ford 550 diesel truck with hydraulic box and 9' plow from state contract #40570 not to exceed \$41,230 from the Highway Fund Balance Reserved for Equipment. Motion passed unanimously.

Councilor's Knapp moved and Smith seconded the motion that the purchase of the truck is conditioned upon Leon Cook getting a letter from Genesee Truck Sales stating we can withdraw our order if for some reason a permissive referendum is successful in negating this authorization. Motion passed unanimously.

Councilor Dadey, Jr. asked Leon if he thought there would be a problem getting a letter.

Leon will have Genesee Truck fax us something.

Kevin said there are 2 questions here. One is the permissive referendum and the other is whether Leon places the order based on the fact that we can withdraw it if the permissive referendum is challenged. Leon will have to go to the people in Rochester to ask for written assurance that they will let us out of it if the permissive referendum is challenged.

Councilor's Dadey, Jr. moved and Knapp seconded the motion to send Jim Wolfe a Certificate of Appreciation for his support and help in purchasing the copier. Motion passed unanimously.

10. Suggestions for improvement & positive contributions.

There were none.

11. Councilor's Dadey Jr. moved and Knapp seconded the motion to audit and pay the following bills:

GENERAL FUND	# 4413, 4414, 4431 thru 4458
HIGHWAY FUND	# 4415 thru 4430
SPECIAL DISTRICT	# 4459

12. Councilor's Dadey, Jr. moved and Knapp seconded the motion to adjourn. Motion





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