

Minutes of the Town Board Meeting held by the Town Board of the Town of LaFayette in the Meeting Room of the LaFayette Commons Office Building on Route 11 in the Town of LaFayette on December 9, 2002 at 6:30 p.m.

Present: Gregory Scammell, Supervisor  
Norman Paul, Councilor  
Sandra Smith, Councilor  
Thomas Bailey, Councilor

Absent: David Knapp, Councilor (Arrived 6:36 p.m.)

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Ralph Lamson, CEO  
Marshall Taylor, Assessor/Clerk  
Kevin Gilligan, Town Attorney  
Cindy Heckerman, Resident  
Tom Chartrand, Bookkeeper  
Bobbie Harris, Cornell Cooperative Extension

1. Supervisor Scammell called the meeting to order at 6:34 p.m.
2. The Town Clerk took the roll. Councilor Knapp absent. All else present.
3. Pledge to the U. S. Flag led by Town Councilor Paul.
4. **Councilor's Smith moved and Paul seconded the motion to approve the November 25, 2002, Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**

**5. COMMUNICATIONS.**

A. Residents.

No one came forward.

B. Martin Luther King, Jr. Celebration 2003 Committee: Dinner & Nominations.

“We seek your help in identifying people who exemplify the spirit, life and teachings of Martin Luther King Jr., but who are not widely recognized for their efforts....This year's dinner will be held on Saturday, January 18, 2003, in the Carrier Dome. Keynote speaker will be Playwright Suzan-Lori Parks, author of the 2002 Pulitzer Prize play ‘Top Dog/Underdog’ ....During the program, the awards will be presented to four people from the community and from the campus who in a significant way advance Dr. King's agenda. As the name implies, we look for people whose work, while fundamentally important, may go unnoticed outside of the individual's family, co-workers, or local community...”

C. Onondaga County Legislature: 2.2.02 agenda.

“Regulating smoking in areas generally accessible or open to the public, including food service establishments, and in places of employment in Onondaga County (sponsored by Mr. Warner). Regulating smoking in areas generally accessible or open to the public, including certain food service establishments, and in places of employment in Onondaga County (sponsored by Mr. Murphy). Amending Local Law No. 16-2002 to include additional fees collected by the Department of Health (sponsored by Mrs. Baker)...”

D. Time Warner Cable: Annual rate adjustment letter.

“We wanted to give you advance notice of an annual rate adjustment letter that our customers will be receiving the first week of December...To offset these rising business costs, we will implement a rate increase for some of our service offerings effective January 1, 2003....”

E. Other.

Mr. Chartrand said he submitted a summary of SOTS taxes to be raised to the Board. The total to be raised by taxes is \$532,000.

Councilor Paul asked what date do folks have to change their selection by?

Councilor Knapp said it's closed but SOTS is collecting changes and they are keeping these changes and as soon as the taxbills come out the first of January, whatever changes people want to make SOTS will work with them on. SOTS will either cut them a check for a refund or advise them what they need to pay in addition to the taxbill amount.

6. **SPECIAL REPORT:** Bobbie Harris from Cornell Cooperative Extension: Agricultural land usage.

Ms. Harris said the reason she is here this evening is because she put together a Municipal Reference for Ag Land Use. She submitted a packet of information on this to the Board. She discussed the Community Rural Development Institute's Local Government Programs. The packet included programs available from Ag and Markets too. The Town of LaFayette has 2 Ag Districts. On the east side of Route 81 the Ag District was renewed 2 years ago. They are working on defining the Ag District on the west side of Route 81. The Ag Districts are renewed every 8 years.

Ms. Harris said communities are about the place where we live and the activity of the people who live in that place. Agricultural land accounts for 32% of the landmass in Onondaga County. In 1997 there was over \$70 million dollars in agricultural sales. We have 730 farming operations in the county. In 2000 they had \$84 million in sales. Most of that came from the dairy farms. In this county, they are looking at a 20% reduction in what they will bring home this year. 390 of these farming operations gross over \$10,000 in sales. \$10,000 is a threshold number used by NYS Dept. of Ag and Markets in determining what a farm operation is that can be covered under Agricultural Districts Law. The average farmer is 54 years old. There are 526 male operators and 76 female operators. There are 496 family proprietorships, 70 partnerships, 32 family corporations and 2 non-family corporations. The average farm business (over \$10,000) in Onondaga

County is 244 acres. The median size farm is 95 acres. The average sales per farm are \$118,000. The average expenses per farm are \$95,000 making the average net return \$20,400. The average value of land and buildings is \$400,000 and the average value of machinery is \$113,000.

Supervisor Scammell asked what raising dairy replacements means.

Ms. Harris said sometimes you have farms that are no longer milking cows but raise the calves and sell them to the big farms. It's a way to use the existing facility and existing land without milking cows.

What laws affect farmers and local communities? One law is Agriculture and Markets Law Article (AML)25AA. Section 305-a(1) states, "Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules and regulations, shall exercise these powers in such a manner as may realize the policy and goals set forth in Article 25AA of AML and shall not unreasonably restrict or regulate farm operations within agricultural districts. The other law is NYS Public Health Law – Title 1 – 1300-c. It states, "Agricultural activities shall not be considered a private nuisance, provided the activities occurred prior to surrounding activities, have not increased substantially and are not a case of condition dangerous to life and health." There is pending environmental regulation. Farming operations will be regulated through the Environmental Protection Agency (EPA) and NYS Department of Environmental Conservation through the pending CAFO(concentrated animal feeding operation)AFO (animal feeding operation) permitting process. This permitting process was put into place to address non-point source pollution coming from farms. The nutrient (manure) management plan is based on criteria of a 25-year, 24-hour storm event as defined by the Clean Water Act. Concentrated Animal Feeding Operations are those farm businesses with more than 1,000 slaughter feeder cattle, 700 mature dairy cows, or 100,000 hens or broilers when the facility has unlimited continuous flow. An Animal Feeding Operation has between 300 and 1,000 animal units. CAFO farmers are in the process of putting together a whole farm plan. The plan inventories the number of cattle, crops being grown, and acreage and soil types of that acreage. The plan addresses how and when manure will be stored and/or applied to fields. These plans can cost up to \$30,000 to create. For larger farms, it may cost up to \$800,000. They must be signed by someone certified to review these plans. The NYSDEC will be conducting spot inspections to make sure the farms are complying with his/her plan. Inspectors have begun training. Some seem to have had experience in sewage treatment plant regulations. There is some discussion that all farmers will have to have a nutrient management plan in place by 2008. Some farmers may choose to go out of business, as they will not be able to afford to implement the plan.

Councilor Knapp asked what the time-frame would be.

Ms. Harris said the big farms should be up and running by 2004. There was discussion that all farms should have a plan by 2008. They will have significant discussions on how to even implement this in NYS right now. 60% of all rural residential lands are in lots over 10 acres. More agricultural land is being lost to trees growing on it. In states where farmland is in great demand for conversion to developed and rural residential uses, a relatively large portion of the market value of farmland is attributable to nonfarm demand. American Farmland Trust has conducted a number of Cost to Community Services throughout New York State. For every dollar spent in taxes,

residential lands receive \$1.32 in government services and agricultural lands receive \$0.21 in community funded services. Agriculture is an \$80 million industry in Onondaga County. Farm businesses are as diverse as the management capabilities of the farmers themselves. Some have chosen the commodity route, trying to produce as much as possible as cheaply as possible. Others are investigating niche markets and direct marketing their products or adding value to products. People are looking at ways to diversify their product.

Councilor Knapp asked if there would be some grants or low-interest loans to help with this.

Ms. Harris said there are some out there. There is discussion on some government funding. In this county the watershed money went to Otisco and Skaneateles Lake's and to Onondaga Lake because it was in such terrible shape.

Councilor Knapp asked if there would be a cutoff for farms that would have to worry about this. In this town, we only have 3-4 farms left milking. A couple of these have 100-125 cows and a couple have around 50 cows.

Ms. Harris said it's whatever the working group in Albany decides.

Mr. Taylor asked what kind of farm representation is on the committee.

Ms. Harris doesn't know specifically who's on the committee. She knows there is someone from the poultry industry and a past farmer on it.

Councilor Bailey said it seems like there is awfully challenging times since Agway's bankruptcy and with these pending regulations coming down the road. It seems there will be diminishing farms because of the impact. Will there be any farm aide or funding from the federal level to offset and try to prevent farms from folding?

Ms. Harris said she will be optimistic. USDA does an Ag census every 5 years. They will be doing another one in 2002. In every 5 year increment, we have lost 30-40 farms. This is the first time in 5 years she doesn't think she will loose over 10 dairy farms. She would encourage the town to form or utilize an Agricultural Advisory Committee. They can help keep the community up-to-date on the regulations.

## **7. REPORTS.**

### A. Departmental (4<sup>th</sup> Monday).

- 1) Dog Control: Jon Rogers & Sue Snavlin.
- 2) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.
  - South Syracuse Motel – Route 20 W.
  - Farwell residence – Reidy Hill.
  - Former Craw farm on Jamesville-Apulia Road.
  - Former lumber company office on Route 11 N – occupied?
  - Jamesville Grove Grandstand – permit needed? \*
  - Junk vehicle status.
  - Sunset Hills.
- 3) Highway Superintendent: Leon Cook.
- 4) Justice: Malcolm Knapp & Maureen Perrin.
- 5) Library Director: Scott Kushner.
- 6) Recreation Director: Regina Reinschmidt.
- 7) Town Clerk: Mary Jo Kelly.

- 8) Town Supervisor: Greg Scammell.
- B. Committee (2<sup>nd</sup> Monday).
  - 1) Communications and Technology.
    - Digital Towpath

Supervisor Scammell said we will start a trial on this in January.

- 2) Emergency Response.
  - Defibrillators.

Councilor Bailey said Kevin Gilligan provided him with a packet of information on this. He sent the grant request to M & T Charitable Foundation which meets once or twice a month. He hopes to get word from them soon. He is working in other areas for other sources of funding.

- Local contact cell phone, email, and phone tree-update as part of Disaster Preparedness Plan.
- 3) Employee Policies and Benefits.
    - AFLAC evaluation.

Supervisor Scammell asked if there was any interest in this.

Mr. Cook said no one at the Highway Dept. was interested in this.

Mr. Gilligan said for those who sign up, you would make a cafeteria of items available for them. This is taken as pre-tax dollars.

Councilor Paul said this was only for supplemental insurance.  
This item will be removed from the agenda.

- 4) Environmental and Conservation Advisory Board.
- 5) Highway.
  - New EPA ditching/storm water management requirements (SPDES).

Supervisor Scammell asked Mr. Cook if he had anything to report on this.

Mr. Cook said no. The only thing he would like to discuss is the snow plowing contract. There's nothing in the contract that says they are going to give us partial payment in February. He called the county and found out they didn't have it written in the contract before. They said any department that has all their paperwork and vouchers in for the sand and salt will get a payment in February. As far as he can see, the contract is O.K. to be signed and sent back in.

Mr. Gilligan said this isn't written in the contract. Actually the one they sent says you will be paid at the end of May 2004. We got them to realize that was a mistake and they agreed to put the language in the contract that they will do it at the end of the winter season.

Mr. Cook said he has a letter from the county that says all the paperwork must be in by a certain date so they can get paid in February. He said we would continue getting half payment in February like we did last year if all the paperwork was in.

Supervisor Scammell reviewed the comments of the town attorney regarding the contract.

Mr. Gilligan had submitted replacement pages for pages one and two. On page one the change was made “adjustment may be made at the end of the season” to “adjustment will be made at the end of the season”. On page 2 under compensation he put in language stating “The County hereby agrees to pay the Municipality in full and final satisfaction of all services and expenses at the conclusion of each winter season...” the way it was originally written the County wouldn’t pay until the end of the term in 2004.

**Councilor’s Knapp moved and Paul seconded the motion to authorize the supervisor to sign the County Snow Removal Contract as revised. Motion passed unanimously.**

Councilor Paul said we have the Welsh/Morgan subdivision before the Planning Board on the 17<sup>th</sup>. Is everything O.K. on this?

Councilor Knapp asked if the school said it was O.K.

Mr. Cook said the LaFayette Fire Department and Tully School District said everything was O.K.. The school had a little concern with the turn coming out onto the main county road as it’s a little short. He will have the county extend that this summer or he will.

Mr. Cook said they have cut very little brush because they have been plowing and sanding. They went down and did some ditching at the Q-Track. He had a problem with the sander on the ’96. It completely went bad. They had one that was a couple of years newer and put that one on so it will finish the year out. Probably before next season they will have to get a new sander. It’s one of the small ones and it’s about \$5,000. He got a letter from Cummings recommending for all Cummings engines to put a cooling solution in the cooling system. They have been putting a water filter on all of them. This takes care of all the chemical reactions that come about in the engine. He had to buy a test kit to test the solution in the cooling system and then add this solution in there. They did everything but two engines which they will do tomorrow.

Councilor Knapp asked if it was just Cummings or all diesel engines.

Mr. Cook said you should do it on all diesel engines. It’s a chemical reaction that happens. The 3 newest trucks tested ideal. This will help the engines last longer and have fewer problems. It will be about \$5/vehicle to do it for the year. It’s worth it. It’s a preventative maintenance thing.

Councilor Knapp asked if there was a lot of overtime the last 2 weeks.

Mr. Cook said some. All the snow plowing has been on overtime.

6) SOTS & OCCRA Liaison.

7) Physical Plant.

- Roof/ceiling leaks: Library & Community center (new side roof estimate).
- Historian and Historical Museum plaques at Community Center.

Supervisor Scammell received quotes for the signs of \$45 each. He also saw a sign at Syracuse Signage that would be appropriate when you enter the Town Offices stating where everyone is located. He will get an estimate for this.

**Councilor's Knapp moved and Paul seconded the motion to authorize the purchase of 3 signs for the Community Center not to exceed \$250.00. Motion passed unanimously.**

- Community Center cleanup (downstairs office, etc.).
- 8) Recreation and Youth.
  - a) Bailey Park.
  - b) LaFayette Beach.
    - New facilities.

Councilor Smith said the new bath house is now insured.

- Survey/transfer LaFayette Beach from LCC to town.
- 9) Safety.
- 10) Senior Transportation and Housing.
  - F.I.S.H.
- 11) Service Awards.
- 12) Water.
- 13) Zoning Review.
  - Digitized zoning map.
  - Industrial zones to business zones update.
  - Misc. review: Communications/Cell Towers & Private (single horse) horse stables.

## **8. UNFINISHED BUSINESS & ACTIVE PROJECTS.**

- A. Litigation and other legal matters.
- Onondaga Nation land claim.
  - Review Mass Gathering Permit materials.
  - Noise ordinance samples.

The Board reviewed the draft Mr. Gilligan had submitted.

Councilor Paul asked about the permission to sell alcohol being denied if they had obtained a license for it.

Mr. Gilligan said though someone may have a license to sell alcohol, when the Board gets into a mass gathering situation, they have a much different type of thing they are looking at.

Councilor Paul asked under Section 2.2, is 21 days enough time?

Councilor Bailey said it could be changed to read 21 business days.

Councilor Paul asked if the applicant has to be the owner of the property.

Mr. Gilligan said in the past we have made the organization and the owner sign the application.

It was decided to change the time to 30 calendar days. It was decided to put the minimum at 250 to require a mass gathering permit.

Councilor Paul said at the Grove, there were police. Can rent-a-cops be at these functions?

Mr. Gilligan said as part of issuing the permit, the Board can discuss the traffic and security they will be providing.

Councilor Paul said when the Grove had the last one, Jamesville Fire District said it had no problem with it. He thinks this notifying the fire department should be in the permit.

It was advised this is addressed in the application.

Mr. Gilligan said changes will be made changing the time to 30 days and 200 to 250 for the amount requiring a mass gathering permit.

Supervisor Scammell confirmed that is correct along with the other changes Mr. Gilligan recommended.

Mr. Gilligan will revise this and have it ready for the next Town Board Meeting. At that time, the Board can introduce it and schedule it for a public hearing.

Councilor Knapp asked if there was any changes to the fines.

Mr. Gilligan said yes, they were increased.

- LaFayette Central School District renovation/drainage (12.10.02 referendum).
- Watercraft regulation on Jamesville Reservoir.
  - Review KMG 11.22.02 Jamesville Reservoir memo.

Supervisor Scammell said the town does have the jurisdiction to regulate these. Mr. Gilligan said the old ordinance basically outlaws all outboard motor boats within 1500 feet from the shore. The 1500 is O.K.

Councilor Knapp asked even if that is the entire body of water?

Mr. Gilligan said the Board could probably pass a speed limit law. You wouldn't have the whole 1500 feet. You could make it within 500' of the Beach watercraft couldn't go over 5 mph.

Mr. Taylor asked if the Board specifies a speed limit, is the town liable for not enforcing it?

Mr. Gilligan said the Board could be criticized of never enforcing it. We should find out from Capt. Bronstad what kind of assistance we could get in terms of enforcement. If there's no hope for enforcement, he doesn't know if the town wants to commit to purchasing a boat and having someone out there to enforce it.

Councilor Paul asked if the Board should send a letter to the folks around the Beach to tell them the Board will be discussing this matter at a certain meeting and invite them to attend.

Councilor Bailey said the Board could put it in the Newsletter.

Supervisor Scammell said speed wasn't the original complaint, it was noise. If jet skies can't be outlawed, he is not sure about resolving the complaint. He only has received the one complaint about jet skies. He will call the resident up and discuss this situation with him. The sense he gets from people is it's the jet skis that are annoying but if all we can do is regulate their speed along with the other water traffic, he is not sure how much help it will be.

- Developer Fees & Planning Process Evaluation.

Councilor Smith said she spoke with Mr. Nakas about this and he said the only

way to shorten the process is to change the dates of the meetings.

- Jamesville Grove: Court ordered use restriction.

Mr. Gilligan sent a letter to the new Jamesville Grove owner. He said the Board just wanted to make sure the new owner went through the necessary process and recognized what the restrictions are.

Mr. Lamson asked if the stage is set up right in front of the place.

Mr. Gilligan said it's on the water side.

Mr. Lamson will stop over there and check on this again.

- Sunset Hill Drainage.

Mr. Gilligan wrote a letter on 11/27/02. He said Mr. Dunkle hasn't heard anything. The last he heard, the engineer for Mr. Garsky was trying to get in touch with Mr. Garsky for his approval to proceed with the plans for Lot D. He gave an update of what has occurred. The engineer needs approval from Mr. Garsky to do Lot D.

#### B. Other Active Projects.

- 1) Town of LaFayette urn & tile display case.

Supervisor Scammell said Mr. Skeval is working on this.

- 2) Time-Warner Cable TV franchise renewal.

Supervisor Scammell said this is still in process.

- 3) Otisco Road speed limit reduction request.

Nothing has been heard back on this yet.

- 4) Anne Smith recognition plaque.

This has been taken care of and can be removed from the agenda.

- 5) Association of Towns website: Course Offerings.

We are still waiting for an agenda.

- 6) T1 communications line.

Mr. Taylor said all the contracts have been signed. The switch arrived today from DELL. The wiring company is going to do the wiring. This will happen any day. He has informed the Justice Dept. about what he is doing and they asked him to include them. They agree to pay for the service. The grant for Niagara Mohawk is about 95%

done. He attended a grant writing class in Baldwinsville for the other grant he was planning on applying for. After attending this class, he feels we will be forced into doing a site survey for someone to do a needs assessment. You hire a consultant to come in and he decides what you need and you spend money on things he says you need rather than what you think you need and you could end up spending money for things you don't want just to try for this grant. The Niagara Mohawk grant is moving forward. The deadline is December 31<sup>st</sup> and he will meet that deadline.

9. New Business.

A. 12.23.02 TB meeting?

Supervisor Scammell said at the 2002 Organizational Meeting it was decided the Town Board would not meet on the 23<sup>rd</sup> of December. This would mean the next meeting would be the Organizational Meeting on January 7<sup>th</sup> at 6:00 p.m.

B. Other.

Mary Jo said the LaFayette Public Library has applied to New York State Racing and Wagering for a Games of Chance License. They wish to conduct a raffle for a quilt the Quilters donated to them. Under our Local Law, the Town Board must approve them holding this raffle.

**Councilor's Knapp moved and Smith seconded the motion approving the LaFayette Public Library to conduct a raffle in the Town of LaFayette. Motion passed unanimously.**

Councilor Knapp asked if there were any fees involved.

Mary Jo said not unless they make a profit of \$30,000 within one year.

Mary Jo said last year the Town Board donated money for the coloring contest which is part of the Annual Tree Lighting which will be held this Sunday at 4:00 p.m. She asked if they would be willing to make a donation this year.

**Councilor's Knapp moved and Paul seconded the motion to donate \$100 towards prizes in the Coloring Contest. Motion passed unanimously.**

**Councilor's Knapp moved and Paul seconded the motion for the Town Board to go into Executive Session to discuss a matter of potential litigation and to include the Town Attorney. Motion passed unanimously.**

The Town Board went into Executive Session at 8:11 p.m. and the Regular Town Board Meeting was called back to order by Supervisor Scammell at 9:10 p.m.

**Councilor's Knapp moved and Bailey seconded the motion to authorize the Supervisor to make all the year-end transfers recommended by Mr. Chartrand. Motion passed unanimously.**

10. There were no suggestions for improvement & positive contributions.

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

<b>TRUST &amp; AGENCY FUND</b>	<b># 7996 – 8010</b>
<b>HIGHWAY FUND</b>	<b># 8023 – 8034</b>
<b>GENERAL FUND</b>	<b>#8035 - 8068</b>

**Motion passed unanimously.**

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

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

Respectfully submitted.

Mary Jo Kelly  
Town Clerk