

Minutes of the Town Board Meeting held by the Town Board of the Town of LaFayette on January 27, 2003 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Gregory J. Scammell, Supervisor
Norman Paul, Councilman
Sandra Smith, Councilwoman
David Knapp, Councilman
Thomas Bailey, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Kevin Gilligan, Town Attorney
Tom Chartrand, Bookkeeper
Cindy Heckerman, Sentinel Hgts. Rd.
Anne Smith, Historian
Clay Smith, Past Supervisor
Sue Snavlin, Dep. Dog Control Officer
Capt. Bronstad, Onondaga County Sheriff's Dept.
Kent Stuetz, NYS Records Management
Leon Cook, Highway Superintendent
Ralph Lamson, CEO
Marshall Taylor, Assessor/Clerk

1. Supervisor Scammell called the Meeting to order at 6:42 p.m.
2. Roll call taken at public hearing.
3. Pledge to the U. S. Flag was done at public hearing.
4. January 13, 2003 Town Board Meeting Minutes approved at public hearing.
5. **COMMUNICATIONS:**

A. Residents.

Mrs. Heckerman asked when she could expect her refund from S.O.T.S.

Mr. Chartrand said the Town hasn't received any tax money yet. It will probably be the end of February. Supervisor Scammell hasn't received any tax money yet from the Tax Collector.

Councilman Knapp said probably within the next month. As soon as they get the money in, they will be getting it out.

Mrs. Heckerman said she is talking about the refund for the 3 months she isn't getting service.

Councilman Knapp said it's pro-rated so there would be no refund for those months.

Mrs. Heckerman said in October he advised she would be getting it back so she wanted to follow-up on it.

Councilman Knapp said he advised her he would check into it and he did and found out it was pro-rated.

Mrs. Heckerman said she would like it in writing.

Councilman Knapp said he would be happy to do that for her.

B. Cornell Cooperative Extension: Stream and Floodplain Restoration Educational Forum.

“March 26, 2003 (all day) at Cazenovia Library...For more information, contact Sheila Myers at Cornell Cooperative Extension...”

C. NYS DEC: Town of Salina Landfill.

“A Remedial Investigation and Feasibility Study (RI/FS) has been completed for the Town of Salina Landfill Site...”

D. LaFayette Central School District Superintendent Mark Mondonaro: Meeting cancellation.

“Based on the fact that there were only two RSVP’s to my informational letter dated January 2, 2003 for the TOPS grant meeting, I have canceled the meeting permanently. There was not sufficient interest for us to seek this type of grant...”

Mrs. Smith asked what TOPS stood for.

Supervisor Scammell isn’t sure. It was for a technology grant. The school was pursuing this and they sent letters out to the Town Board and he doesn’t know who else.

E. Groth Road Tower Memo.

“...Initial Term: 5 years. Renewal Terms: 4 automatic 5 year terms unless either party gives 90 day notice of non-renewal. \$10,000 Service Fee – payable on signing lease. Tenant will reimburse Town’s attorneys’ fees at \$145/hour. Monthly rate - \$1800, payable annual basis at anniversary of commencement date. First year payable at time building permit issued...Building Permit drawn – within six months of lease or lease voidable at Town’s option Adjustments every five years, 15%...”

Supervisor Scammell doesn’t know if they are pursuing this tower or the one south of the hamlet.

Mr. Gilligan tried to contact the fellow he was dealing with on the Groth Road tower and the call wasn’t returned.

Councilman Knapp said AT & T is looking at the Town’s tower.

Mr. Gilligan said it’s a little confusing right now whether they are talking about both towers or one or the other. When they contacted the town, someone else within their organization contacted Shanahan’s about their tower. We are trying to figure it all out right now.

F. Other.

6. **SPECIAL REPORT:** Report: Annual Historian Report, Rev. Donald Moody.

“I served as town historian for 17 ½ years, from June of 1985 through 2002. The following is a brief summary of what I did during those years.

When I was first appointed by Sumner Palmer in June of 1985, it was with a “mandate” that I organize a historical society in the town, which I did and served as president for its first ten years. In connection with it I issued the town’s first historical newsletter which is still being continued in the same format.

When the Town Board proposed razing the abandoned Grange Hall, I served on the ad hoc committee that saved it and made it into the Community Center it now is. Making the second floor into an office for the historian and a historical museum was my idea, which was adopted and became a reality. I am and will continue to work with the new historian, Anne Smith, in adding to this museum. We have already begun to take an inventory of every item in the archives and museum which will be put on computer files by her.

I participated in the making of three television documentaries which brought the town to the attention of the general public. The first two, one on Life in the Town of LaFayette and the other on the Town’s part in the Cherry Valley Turnpike, were made by WCNY-TV of Syracuse; and the third on the Cardiff Giant only was made by the History Channel and shown nationwide.

When the Post Standard printed a series of historical articles under the euphemism of “Yesterday’s News” I provided articles on five aspects of the town which appeared in Neighbors East.

When the LaFayette Club of LaFayette College in Easton, Pa. undertook to visit every town named LaFayette, I hosted their visit to our town.

This past year I put together a book on the history of Christian Hollow, now known as Tully Valley, and the Cardiff Methodist Church. This was a revision – with additions – to two manuscripts I wrote 50 years ago when I was pastor of the Cardiff Church.

All of the above were in addition to the routine tasks a historian does such as answering questions and filling speaking engagement requests.”

- Anne Smith, SARA Grant.

Mrs. Smith said last week she received two word files by email. She had no idea what was going in. She invited the author of this email to come and answer questions for the Town Board. She introduced Kent Stuetz.

Mr. Stuetz said he works for NYS Archives. They have 9 regional offices throughout the state and he is head of the regional office in central New York. He has been working here for 11 years. He has done a lot of really great work with LaFayette.

Supervisor Scammell asked exactly what we would be doing.

Mr. Stuetz said in the last 2 years, Onondaga County has been surveying all the historical records in the towns and villages. They have created a historical website of this information. In the process, it came to his attention that a lot of local government records were held by the Onondaga County Historical Association and basically most of those are not accessible to the public. He decided to get them organized and preserved and to make them accessible to the public. As it is now, they sit at OHA who has control over them and part of this grant would be to have statements that these records are the property of the towns, villages and school districts. He would like to put together a grant to give

OHA funding to make these things available and to preserve them. The reason he has approached this town is it has a very good track record of receiving 3 grants over 11 years. Mary Jo has a very good reputation as a hard working Town Clerk and has a good reputation with their program. There are quite a few records that have been processed. It's an opportunity to help the towns and villages and school districts who have records there. He would like to know if the Town would be willing to sponsor the grant.

Supervisor Scammell asked in what way they would be accessible.

Mr. Stuetz said right now they are sitting in boxes and difficult to get to. The grant would be for getting them into archivable boxes and folders so anyone could go into the Association and use them. In the following year, they would like to digitize them and make a copy available to the Town.

Supervisor Scammell asked how great the demand is for them.

Mr. Stuetz said as people become aware the information is available, the demand is greater.

Supervisor Scammell asked the commitment to the Town.

Mr. Stuetz said the money would only be spent as it's received from the State Archives. There would be a couple of very brief reports that he would assist in taking care of. The benefits are great and the risks are none. It's a great project. It will enhance the Town in his estimation county-wide.

Supervisor Scammell asked how many records are there.

Mr. Stuetz said approximately 181 cubic feet.

Supervisor Scammell asked what they are doing with these records.

Mr. Stuetz said right now they are in boxes and filing cabinets. They will go through and archive them. Now they are dirty and disorganized.

Supervisor Scammell said Roy Dodge indicated to him the list of records he has organized in the past.

Mr. Stuetz said he has surveyed them. He visited with Mr. Dodge about them. It's a small portion of what's there.

Mary Jo noted of the approximate 181 cubic feet 118 cubic feet is Syracuse City School District. It looks like most of the records belong to Onondaga County, the City of Syracuse and the Syracuse City School District. How many of these records belong to the Town of LaFayette?

Mr. Stuetz advised Onondaga and the Syracuse City School District are already applying for a grant this year. The Town of LaFayette has about 3 cubic feet of records.

Supervisor Scammell asked what it means in the grant when it says this information will be catalogued.

Mr. Stuetz said you take subject information from the records and make a catalogue entry in an online library.

Supervisor Scammell asked if digitizing them is part of this.

Mr. Stuetz said no as they have to be categorized first.

Supervisor Scammell said so what can be gained from this is that people can go online and see if the information is available.

Mr. Stuetz said the vast majority of records are not organized in any way that they are accessible.

Supervisor Scammell asked if the Town of LaFayette only has 3 boxes of records and Mr. Dodge has already organized them, what else needs to be done to them?

Mr. Stuetz said nothing needs to be done to those records. It's the other 178 boxes.

Supervisor Scammell asked who provided them.

Mr. Stuetz said Syracuse City School District, the City of Syracuse and the County of Onondaga.

Supervisor Scammell said he isn't clear what our role is if we only have 3 boxes there that are relatively well organized. He is trying to see the Town of LaFayette's role in this.

Mr. Stuetz said just to provide leadership. In essence, it's an opportunity to provide leadership. Based on the Town of LaFayette's track record, it's an opportunity to do something good for combined towns.

Supervisor Scammell asked if Mary Jo would have to go down to the Historical Association and do anything.

Mr. Stuetz said no. They are just looking for sponsorship. OHA is not eligible to submit a grant. It must be submitted by a local government. They are coming to LaFayette as they have a good track record and are not already submitting a grant for this year. LaFayette would be submitting a grant on behalf of the combined group of governments who would benefit from it.

Supervisor Scammell asked why the City of Syracuse and the School District don't submit a grant for this?

Mr. Stuetz said they are already submitting one for other items.

Councilwoman Smith asked what our Historian would be responsible for.

Mr. Stuetz said she would work with him over the entire project. They would be hiring a clerk and an archivist who would be actually doing the work.

Councilman Bailey asked if any other towns have been approached on this.

Mr. Stuetz said he has only approached LaFayette.

Mr. Taylor asked if LaFayette writes the grant and the state supplies the money, who gets the money?

Mr. Stuetz said 2 people would be getting paid for doing this. The archivist who has a very good reputation and then an unspecified archive clerk would be hired.

Mrs. Smith asked who would interview them.

Mr. Stuetz said he would and he is sure the gentleman at OHA would be in on it as well. He would hope Mrs. Smith would assist in this.

Mr. Smith asked where the clerk's office would be.

Mr. Stuetz said they would work right at OHA.

Mr. Smith asked who would write the paychecks?

Mr. Stuetz said it would be up to the Town of LaFayette to create an employee/employer relationship or to do it by voucher as a contract. New York State would submit funds to the town who would issue a check on the agreed amount.

Mr. Chartrand said his concern would be if one of these people were injured. It could affect our workers compensation and unemployment when it's over. We would be subject to workers compensation even under a contract.

Mr. Stuetz thinks the best way to do this would be that the check would go directly to OHA to pay these people.

Mrs. Smith couldn't find anything in the paperwork about the amount of money.

Mr. Stuetz said it's in the paperwork.

Mrs. Smith asked if she had a copy of it.

Mr. Stuetz said no.

Supervisor Scammell asked when would the state be providing the funds?

Mr. Stuetz said basically the grant year runs from the beginning of July of next year to July of the following year. They send a check for 50% up front which usually arrives the end of October or September. The work could begin then. When these moneys are used, another check for 40% is sent and at the end of the project and their receipt of the final report, the remaining 10% is sent out. All the money would be received from the state before money went out to these people.

Supervisor Scammell said if the state needs a final report before sending the final 10%, the town would have to put this money out first.

Mr. Stuetz said they recommend making no final payments until the final report and money are received.

Councilman Bailey asked if the state funds are already secured for this.

Mr. Stuetz said yes. The money doesn't come from the general fund.

Councilman Bailey asked if these assets could be tappable by the governor if needed.

Mr. Stuetz said it hasn't happened in the past but that is why they recommend not spending any money until it is received by the town from the state.

Mrs. Smith said on the 2nd page in the last paragraph, it says all project staff would be hired directly by the Town of LaFayette. She was told the archivist and the archive clerk had already been hired.

Mr. Stuetz said they have recommended an archivist but the clerk has not been hired.

A Board Member asked if the regional advisor's office had contacted other towns for their support.

Mr. Stuetz said only for their letter's of support.

Mrs. Smith said they said sure, let LaFayette do it.

Supervisor Scammell believes there is a risk that the town has for what they will get out of it.

Councilwoman Smith said it will be extra work for the bookkeeper.

Mr. Stuetz said it will be about 4 checks.

Mr. Taylor said someone will have to track the payments, etc.

Mr. Stuetz said there is one finance report at the end which is very simplistic. He would be more than happy to help with it.

Supervisor Scammell asked the amount of the grant.

Mr. Stuetz said a little over \$12,000. He doesn't want to make the Town Board feel pressured. It's a really great project that will benefit a lot of people.

Supervisor Scammell said he would like to be a good samaritan but it seems like a sizeable amount of the benefit will go to other organizations rather than the Town of LaFayette which is why he asks why we would involve ourselves in it.

Mrs. Smith said Mr. Stuetz suggested that he doesn't like to make us feel pressured but he states in the grant that the Town of LaFayette is submitting the grant.

Supervisor Scammell asked who will administer the grant.

Mr. Stuetz said he would assist Mrs. Smith in doing this.

Supervisor Scammell said everything he is getting from NYS says there isn't going to be any cash for anything.

Mrs. Smith asked if we would be responsible for the archive clerk and archivist if the money runs out.

Mr. Stuetz said no. He would assist in putting together the reports and paperwork.

Mary Jo said he is asking her to sign off on the project for records she will not ever be in charge of or have anything to do with.

Supervisor Scammell asked if this would require Mary Jo to go and inspect the records.

Mr. Stuetz said no. She is just signing off on the grant.

Councilman Paul has a concern that Mrs. Smith has been good enough to step up to the plate and he doesn't feel it's proper to put additional work on her.

Supervisor Scammell said if Mary Jo is the Records Management Officer, what would she be signing off on? Why would she sign off on something she isn't familiar with?

Mr. Stuetz said in this instance, Mary Jo's role would simply be to sign the application. There are no project responsibilities.

Councilman Bailey asked if the Records Management Officer and Town Clerk of LaFayette wouldn't have jurisdiction over the Town of LaFayette records being housed at OHA.

Mr. Stuetz said actually she would. This grant states ownership of the town. The grant actually states towns ownership of the records.

Mary Jo asked if the records could be brought back to the Town of LaFayette.

Mr. Stuetz said it would be in her right to ask for them but it would be a legal matter.

Mrs. Snavlin said if the town sponsors the grant, does it own all the records or just the Town of LaFayette records?

Mr. Stuetz said just the Town of LaFayette records.

Supervisor Scammell said Mary Jo would be signing the grant and the awkward spot is when the grant states "we will purchase equipment, we will hire the clerk..." These are all things she would be assigning herself to do. Her name is on the line here. He would assume we will purchase supplies, etc.

Mr. Stuetz said you are basically contracting with OHA to do those functions.

Mr. Smith said he would think this would end up having to have an agreement signed with the Town of LaFayette and OHA regarding access, openness, budget, etc.

Mr. Stuetz said if the Town Board feels reluctant, he doesn't want them to enter into it. It's not his desire to put LaFayette on the spot in any way. These projects are much more straight-forward and simplistic than the things the Town funds or becomes involved in.

Mr. Taylor asked if the grant involves a viewer to view the data, etc.

Mr. Stuetz said this particular grant is to make the paper documents accessible. That would be a subsequent project.

Supervisor Scammell discussed the deposit agreement.

Mr. Stuetz said currently the records are just sitting down there so they have ownership rights to them. In reality, OHA can't legally own these records. This agreement basically establishes you own the records but allow OHA to store them.

Mary Jo said he advised earlier that we could ask for these records to come back to the Town of LaFayette but now he is saying if we sign the agreement which is part of the grant then we are agreeing to let OHA house these records.

Mr. Stuetz said you establish ownership and the town attorney could write a letter asking for these records.

Mrs. Smith said her major concern is we don't gain as much as we give. Aside from LaFayette setting a good example, she can't see where we are going to get anything else from this.

Supervisor Scammell has the same concern. He noted the majority of the records are for the Syracuse City School District, the City of Syracuse and Onondaga County.

Mr. Stuetz said he could approach them on a subsequent year to sponsor this. He was just excited to do it this year.

Supervisor Scammell asked if the City of Syracuse and Syracuse City School District are considered the same entity.

Mr. Stuetz said they are separate.

Supervisor Scammell asked if they have both made separate grant applications this year.

Mr. Stuetz said the County, Syracuse City School District and City of Syracuse have already planned on submitting grants. He doesn't want to burden Mrs. Smith either.

Mrs. Smith said since it's been 12-13 years since Mr. Dodge sorted this information for the Town of LaFayette, she doesn't think one more year will make a difference.

Supervisor Scammell said New York State might be in a better position next year financially.

Mary Jo said if the Board would like to appoint another RMO for this grant, she would have no problem with it. She is very uncomfortable signing a grant which she has no involvement with. Any grant she has ever signed (as Mr. Stuetz and the Board know) she has been actively involved with and overseen. She has a very difficult time signing a grant for work/records that she will have no involvement with or jurisdiction over as well as signing verification of the initial/final reports of expenditures of money when she has no knowledge of the needs or if expenditures were made as noted. She is sure this is a worthwhile project but would rather not be involved in signing a grant which others will be totally in charge of and she knows nothing about. The records housed at OHA for the Town of LaFayette appear to be Account Records from 1826 to 1860. These may be duplicates of what we have. She wouldn't know without looking at them and what we already have. Minutes of the Cemetery Board from 1866 to 1877. LaFayette School Districts 12 & 4 from 1886 to 1920. Minutes of the Grange from 1914 to 1934. Vital Statistics for LaFayette from 1847 to 1848 and Voter Lists from 1839 to 1863. She hasn't had a big request for any of this information. If Mr. Dodge has already categorized this information for LaFayette, she could send someone requesting the information to OHA to view it. Other than occasional vital statistic records, no one has requested any of the other information from her to date.

Mr. Smith said sitting here listening to what's going on, he sees Mary Jo with a problem of responsibility and no authority and no power to compel someone to do something under the grant. This is a basic flaw in the arrangement.

Councilwoman Smith said we are suppose to directly do the hiring and according to the grant OHA will do the actual hiring.

Mr. Stuetz said the archivist of OHA and himself would be the best qualified for the interviewing. He said he would withdraw his recommendation if it would make things easier.

Councilwoman Smith said the overall concept of this is great but maybe by the questions the Board has asked tonight, it would help in the future.

Supervisor Scammell said this Board digs into everything.

Mr. Stuetz said the Town of LaFayette is thought of very highly in what they do.

7. **REPORTS:**

A. Departmental (4th Monday).

1) Dog Control: Jon Rogers & Sue Snavlin.

Mrs. Snavlin said once a year they get reviewed by NYS Ag. & Markets. As she is Dog Control Officer in Tully, when they reviewed her for Tully they reviewed her for all the towns she is involved in, including LaFayette.

Councilman Knapp asked if this is just her or will it be Mr. Rogers too.

Mrs. Snavlin said this is just her for now. She submitted a 2002 Year Report.

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

Mr. Lamson said he had 3 permits in December. Two were remodeling and the third one was for Jerry Doolittle who is putting up his last storage building. He received a complaint from a resident regarding property on West Shore Manor which he has to check out.

Supervisor Scammell asked how many buildings Mr. Doolittle has.

Councilman Knapp said 4.

Supervisor Scammell asked about how many units in each building.

Mr. Lamson said about 20.

Supervisor Scammell said so he has 80-100 storage units there.

Councilman Knapp said it's a high turnover. He asked if they have finalized anything on the Lock-N-Log model home.

Mr. Lamson hasn't talked to the owner. In the past, any time someone is rebuilding a portion of their home from a fire we have only charged the minimum of \$40. As this will be a whole rebuild, will we do the same thing?

Councilman Bailey asked if he was covered under insurance.

Councilman Knapp believes they do a nice job.

Supervisor Scammell asked if they have determined yet what started the fire.

Mr. Cook said it was electrical. The Onondaga County Fire Investigator determined it was electrical. They didn't pinpoint if it was the use of heat tape. They have had a lot of problems with their pipes freezing up. Once the inspector puts it in the paper, it's pretty much true and it was in the paper.

Councilman Knapp said personally he feels we should give them a break.

The Town Board agreed.

Councilwoman Smith said as long as the rebuild is the same size, etc.

- South Syracuse Motel – Route 20 W.

Mr. Lamson said he talked with the owner. The owner intends to tear it down and put up a storage building.

Councilman Paul asked who the owner is

Mr. Lamson forgot his name.

- Farwell residence – Reidy Hill.

Mr. Lamson advised this has all been boarded up.

- Former Craw farm on Jamesville-Apulia Road.

Mr. Lamson said all he saw was a vehicle which may be unregistered but there's too much snow to see.

- Former lumber company office on Route 11 N.

Mr. Lamson said the only thing he has to check on this is adequate septic. The owner hasn't gotten back to him with this yet.

- Jamesville Grove Grandstand – permit needed?

Mr. Lamson said he hasn't been there yet due to the snow.

- Junk vehicle status.

- Sunset Hills.

The Board received a draft of a letter to go out to the owners.

3) Highway Superintendent: Leon Cook.

Mr. Cook said they have been pretty busy plowing and sanding. Until this real cold weather, they were keeping the roads pretty much bare. When it got down around 0, they couldn't bare them off with sand. The only way you can do it is with clear salt. He knows the county went three times a day scrapping and putting salt down. Because of this, putting on so much salt, he thinks we will hear from EPA. Our engineer filled out a form and it's going to be real ticklish in the time to come about using a lot of salt. The less salt used right now, the better off we will be. They are talking about a lot of wells being polluted with salt. EPA has an idea of putting curbing in on all roads. This salt issue will be a problem before it's all over with.

Councilman Knapp asked if earlier it was discussed that a lot of towns have gone to pure salt as sand was the problem?

Mr. Cook said yes and they keep going back and forth. They have gone around the town 55 times. They have replaced the cutting edges on everything except his truck and Cliff's 3 times so far this year. They only had to change them twice last year. It's not only costing us for salt and sand but for blades, etc.

Supervisor Scammell asked what a new blade costs.

Mr. Cook said some are \$50 and bigger ones are \$60 and you have shoes that need to be replaced too and they run about \$40-\$60 each. All in all, they should still be

alright with what he has figured in the budget. They have had some minor breakdowns. His truck lost both wheels. One truck they had to replace a wing cable on. The biggest cost was the radiator on the loader. This wasn't a surprise. On the coldest day, the fuel pump froze up so they couldn't fuel their trucks. He borrowed a space heater and got it thawed out and fortunately it's been fine since. It would cost \$2,300 to buy a new pump and another \$900 to install it. Monday the bearings on the motor of the main furnace went. They had no heat in one part of the building. He borrowed the heater again. They have put in 652 hours of overtime so far. All of last year it was 723 hours. This 652 hours is really not too pad in overtime because they start at 3:00-4:00 a.m. and if they don't have to go back around when they get their 8 hours in, they go home and don't get the overtime. The newest 4-wheel drive truck they bought had the ABS light go on. This indicates they have a problem with the breaks. It was an airline. They put a short piece in to fix it. They had two hydraulic hoses blow. He bought supplies to have on hand in case we loose a hose when nothing is open to get parts. You have to keep after the lights on the back of the trucks all the time for safety. They had a couple of wheels loosen up. Their breakdowns have been minor. He thinks they have been doing pretty good. In case anyone asks about the roads being snow covered, as soon as some warmer days come, they will bare them off.

Supervisor Scammell hasn't heard a single complaint.

Councilman Bailey asked if he was all set with the salt supply for right now.

Mr. Cook said yes.

- Hallinan Road.
- Holiday overtime pay policy.

Supervisor Scammell brought up the holiday schedule of the town in regards to the federal holidays.

Mr. Smith said one of the things he remembers about being Town Supervisor was Leon Cook's reports and the other nice thing was the way Mr. Cook took care of his turf.

Councilwoman Smith said she had a lot of people comment they were never so happy to get back to LaFayette and its roads.

Mr. Taylor said he just submitted some paperwork to the Board designating Phoenix Corp. as owner of the Lock N Logs property and back taxes are owed.

Councilman Knapp asked about the taxes from years passed.

Mr. Taylor said the guy who owns the property owes about \$20,000 in back taxes.

Mr. Cook said the guy who owns the Lock N Log model home is in the process of closing on the property. The building was off the one edge of the property that he was trying to buy.

4) Justice: Malcolm Knapp & Maureen Perrin.

Justice reports were submitted for November and December. There was \$18,201 turned over in November and 239 cases. There was \$15,387 turned over in December and 200 cases.

5) Library Director: Scott Kushner.

A written report for October was submitted and Library Board Minutes for October.

Supervisor Scammell asked if they have submitted the 990's for 2001 yet. Mary Jo will check.

6) Recreation Director: Regina Reinschmidt.

“This evening is the first baseball meeting of the new season. Therefore I am attending the Apple Valley League Board meeting at Valley, the area which is president this year. Unfortunately, they decided to change the meetings to Mondays.

Skiing is going very well. We are having a great year weather-wise. This is our largest turnout in years. We have over 80 participants. This number is almost twice the average from the last 5 years. We believe it is a combination of the change to Friday nights and the good snowfall that increased our registration.

5th and 6th grade boys and girls basketball are halfway through their game schedule with Tully, OCS and Fabius. The season is progressing without any major concerns.

Wrestling is in session now. This is a co-ed program for ages K-6. It is our only program held at the high school, in the wrestling room. We have just over 20 signed up and they are loving it! The coaches are very enthusiastic and the kids are looking forward to their first matches. We belong to the Southern Area league which includes 9 neighboring towns. LaFayette will host their home match on February 28 at Grimshaw. We invite anyone to stop by and see how they are doing.

Adult aerobics has started again, same nights, programs and instructor. We do have a few new participants, but the number remains consistent with other sessions.

Adult volleyball has been cancelled due to lack of interest. We need the gym space anyways. We may start it up again in the future if requested.

I have moved most of my belongings down to the lower floor at the Community Center. I just have one file drawer left to empty in the desk that Anne will be using (which belongs to the seniors). I also need to move the LCC green file cabinet down sometime. Sherry Wheatley is going to do a quick paint job in the room. She will get a gallon at True Value and just hand in the few extra hours with her regular hours. We also have a desk being donated this spring. Herb plans on installing a lock on the door and putting up some lattice to enclose the whole room (there is a 2 foot opening on top of the one wall).”

7) Town Clerk: Mary Jo Kelly.

Written reports for November and December were submitted.

A final license audit from NYS DEC for small game final license account was found to be in balance.

8) Town Supervisor: Greg Scammell.

Reports for November and December were submitted.

B. Committee (2nd Monday).

1) Communications and Technology.

- Digital Towpath – Early, 2003 trial start (GS).

2) Emergency Response.

- Defibrillators (TB).
 - Local contact cell phone, email, and phone tree-update as part of Annual Disaster Preparedness Plan.
- 3) Employee Policies and Benefits.
- Employee Medical Plan contributions. $\$9,637/\text{year} \times 1\% = \$96.37/\text{year} = \$3.71/\text{pay period (currently } \$2/\text{month)}$.

Supervisor Scammell said this is up for discussion. It would not take place until next year.

Mr. Cook said the guys are not very happy about it. They are saying that by working for a municipality you don't get big high wages but it's good benefits which makes up the difference. He hates to see a situation where the guys get upset and join a union. That is what a couple towns north of here did. He would like the Town Board to discuss this with them before doing anything. They depend on Mr. Cook right not to protect them.

Supervisor Scammell said this is only being discussed right now.

Councilman Knapp asked if besides the library director, are there any other single?

Mr. Chartrand said there are a couple of retirees.

- Holiday schedule (Federal holidays vs. employee handbook).

Supervisor Scammell asked about the holiday schedule.

Mr. Cook said they have had these holidays all these years. He doesn't see how fair it would be to take days away. The one day that doesn't get used is Election Day. That day was appointed as a holiday for the employees and in turn the employees are available to pick up anyone to take them to the poles or take them back home.

Supervisor Scammell asked if they ever have given anyone a ride to the poles.

Mr. Cook said not since he has been here but they did when Sonny Amidon was Superintendent.

- NYS Disability Insurance. $\sim \$4/\text{month} - \text{males}, \$8/\text{month} - \text{females}$.

Supervisor Scammell said he was advised of the above figures for coverage.

These are just discussion items.

Mr. Cook said if there was any way we could get involved and try to help out preventing all the lawsuits which is what makes the insurance so high he would recommend it.

Mr. Taylor said something that worked at his last place of employment was offering the employees a certain amount of money if they didn't participate in the insurance plan. It makes employees manage their own health care.

Supervisor Scammell said the employees should realize this is almost \$10,000 a year the town is paying.

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

7) Physical Plant.

- Town Offices Directory.

Supervisor Scammell submitted an example of what it would look like.

Councilman's Paul moved and Knapp seconded the motion to purchase a Town Office Directory Sign for the LaFayette Commons Office Building. Motion passed unanimously.

- Roof/ceiling leaks: Library & Community center (new side roof estimate).

Supervisor Scammell said there is a leak in the library again.

Councilman Knapp will see if he can get someone up to knock the ice down. He also spoke with Dale Walburger again about the Community Center roof leak and as soon as the snow is off, he will get up there and look at it.

- Historian and Historical Museum plaques at Community Center.

Supervisor Scammell showed the Board the plaques he purchased.

Mrs. Snavlin said when she had her review, they advised a new law had been passed allowing a \$5 surcharge per dog for a dog enumeration. \$2.50 goes towards the census and \$2.50 goes to the town

Councilman Knapp asked who would pay for this.

Mrs. Snavlin said the state.

Supervisor Scammell asked if she would be interested in doing this.

Mrs. Snavlin said not right now. There are probably 75% of the dogs in LaFayette not licensed. It's revenue to the town. Now there is an incentive to do this.

- Community Center cleanup (downstairs office, etc.).
- Recreation Director relocation (phone, painting, etc.)

8) Recreation and Youth.

a) Bailey Park.

b) LaFayette Beach.

- New facilities (SS).
- 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.

1. Unfinished business & active projects.

A. Litigation and other legal matters.

- Adopt Amended Sr. Citizen Exemption.

**RESOLUTION AUTHORIZING A PARTIAL
EXEMPTION FROM REAL PROPERTY TAXES
FOR PERSONS 65 YEARS OF AGE AND OLDER
AND INCREASING THE INCOME LIMITATION
RELATIVE TO SAME TOWN OF LAFAYETTE
January 27, 2003**

The following resolution was made by Councilman Knapp and seconded by Councilman Bailey.

WHEREAS, Section 467 of the New York Real Property Tax Law authorizes municipalities, after public hearing, to grant a partial exemption from real property taxation for real property owned by certain persons with limited income, who are 65 years of age and over; and

WHEREAS, the Town of LaFayette has, from time to time, provided such tax benefits to its citizens who qualify for such exemption according to the provisions of Section 467 of the New York Real Property Tax Law; and

WHEREAS, the State of New York amended Section 467 of the New York Real Property Tax Law (Chapter 202 of the Laws of 2002) to provide for an increase in the maximum eligibility levels for the Real Property Tax sliding scale exemption for senior citizens from its current level of \$28,900 to \$29,900; and

WHEREAS, the Town wishes to make this benefit available to its qualifying senior citizens as a way of assisting them to keep their homes during retirement years; and

WHEREAS, it is the desire of this Board to increase the senior citizens' property tax exemption to the maximum allowable under the law; and

WHEREAS, this Board, after due notice in accordance with New York Real Property Tax Law, Section 467 and Section 3 of Town of LaFayette Local Law 3-2001, has held a public hearing on this date to consider increasing said exemption.

NOW, THEREFORE, be it

RESOLVED, that this Board hereby authorizes a partial real property tax exemption for persons 65 years of age or older, pursuant and subject to the provisions of Section 467 of the New York Real Property Tax Law and Local Law 3-2001, in accordance with the following schedule:

<u>EXEMPTION</u>	<u>INCOME LIMITS</u>
50%	\$21,500
45%	\$22,500
40%	\$23,500
35%	\$24,500
30%	\$25,400
25%	\$26,300
20%	\$27,200
15%	\$28,100
10%	\$29,000
5%	\$29,900

and it is further

RESOLVED, that this resolution shall amend, supercede and replace all prior resolutions of this Town with respect to the subject matter herein.

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

Norman F. Paul	Councilman	Voting	Aye
Thomas Bailey	Councilman	Voting	Aye
Sandra Smith	Councilwoman Smith	Voting	Aye
David Knapp	Councilman	Voting	Aye
Gregory Scammell	Supervisor	Voting	Aye

The foregoing Resolution was thereupon declared duly adopted.

Dated January 27, 2003

- Adopt Local Law No. 1 – 2003 Public Assemblies & Mass Gathering Permits.

The following resolution was offered by Councilwoman Smith, who moved its adoption, seconded by Councilman Paul, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home rule Law, a proposed local law entitled local law No. 1 of 2003, “A Local Law Amending Local Law No. 2 of the year 1986 Regarding Public Assemblies Within the Town of LaFayette:, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on January 13, 2003; and

WHEREAS, the SEQR review process was completed at this Board’s January 13, 2003 meeting; and

WHEREAS, a public hearing was held on such proposed local law on this 27th day of January, 2003 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 nits final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. 1 of 2003.

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. 1 of 2003 as Local Law No 1 of 2003 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW NO. 1-2003**

**A Local Law Amending Local Law No. 2 of the Year 1986 Regarding
Public Assemblies Within the Town of LaFayette**

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

Section 1. Amendment

Town of LaFayette Local Law No. 2 of the year 1986 entitled “Public Assemblies” is hereby amended as follows:

So that Section 2.1 entitled “Written Permit Required” is amended to read, in its entirety, as follows:

“Section 2.1. Written Permit Required.

No person shall use, allow, let or permit to be used, property for the assembly of more than 250 persons for temporary outdoor entertainment unless a written permit shall first have been issued for such assembly by the Town Board. Town parks and other Town-owned property shall be exempt from this Local Law.”

And so that Section 2.2, entitled “Application to be Filed Twenty-one Days Prior to Assembly” is amended to read, in its entirety, as follows:

“Section 2.2. Application to be Filed Thirty (30) Days Prior to Assembly

Application for such permit shall be verified petition, on a form provided by the Town, addressed to the Town Board and shall be filed with the office of the Town Clerk at least thirty (30) days prior to the date of the proposed assembly, unless such thirty (30) day period is waived by the Town Board.”

And so that Section 2.4, entitled “Conditions for Granting a Permit, subsection “C” thereof is amended to read, in its entirety, as follows:

“The Town may issue a permit upon such other conditions as the Town may reasonably impose to insure compliance with this law and for the general protections of the health, safety and welfare of persons and property in the Town, including but not limited to:

- (a) setting the hours during which the assembly may take place;**
- (b) precluding or restricting the sale and consumption of alcohol;**
- (c) precluding or restricting camping on the premises;**
- (d) establishing required levels of security and/or traffic control; and/or**
- (e) establishing maximum sound decibel levels for the assembly.”**

And so that Section 2.5 entitled “Denial, Restrictions, and Expiration of Permit”, subsection “C” thereof is amended to read, in its entirety, as follows:

“Each permit shall expire thirty (30) days from the effective date thereof or such other date as may be provided by the Town Board.”

And so that Section 2.7, entitled “Fees” is amended to read, in its entirety, as follows:

“The applicant shall pay to the Town at the time the application is submitted a non-refundable fee as set from time to time by the Town Board and kept on file in the Town Clerk’s Office. The Town Board, in its discretion, may waive the payment of the fee for Good cause shown.”

And so that Section 3, entitled “Penalties”, subsection “D” is amended to read, in its entirety, as follows:

“For each violation of this local law, the person or entity violating the same shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment not to exceed one year, or both.”

Section 2. Effective Date

This Local Law shall take effect immediately upon its filing with the New York Secretary of State.

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

David Knapp	Councilman	Voted	Yes
Sandra Smith	Councilwoman Smith	Voted	Yes
Thomas Bailey	Councilman	Voted	Yes
Norman F. Paul	Councilman	Voted	Yes
Gregory Scammell	Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

Dated: January 27, 2003

- Adopt Local Law No. 2 – 2003 Alternate Planning Board Members

“The following resolution was offered by Councilman Knapp, who moved its adoption, seconded by Councilman Bailey, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. 2 of 2003, “A Local Law to Provide for the Appointment of Alternate Members to the Town Planning Board”,

was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on January 13, 2003; and

WHEREAS, the SEQR review process was completed by this Board at its January 13, 2003 meeting; and

WHEREAS, a public hearing was held on such proposed local law on this 27th day of January, 2003 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, it is in the public interest to enact said Proposed Local Law No. 2 of 2003.

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. 2 of 2003 as Local law No. 2 of 2003 as follows:

**TOWN OF LAFAYETTE
PROPOSED LOCAL LAW NO. 2-2003**

**A Local Law to Provide for the Appointment of Alternate Members
to the Town Planning Board**

Be it enacted by the Town Board of the Town of LaFayette, as follows:

Section 1. Short Title and Applicability.

Alternate Planning Board Members Act. This Local Law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Town of LaFayette Planning Board.

Section 2. Declaration of Policy.

It is sometimes difficult to maintain a quorum on the Planning Board, because members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such Board. In such instances, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this Local Law.

Section 3. Alternate Member of the Planning Board of the Town of LaFayette.

The Town Board may appoint an alternate member to the Planning Board. Such member, if appointed, would serve when a regular member of the Planning Board is absent or unable to participate on an application or matter before the Planning Board. Alternate member of the Planning Board shall be appointed for a term of one (1) year.

Section 4. Authorization for Alternate Planning Board Member to Participate on an Application Before the Board.

The Chairperson of the Planning Board may designate an alternate member of the Planning Board, who has been duly appointed to such alternate member position by the Town Board, to substitute for a regular member, when such regular member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all of the powers and responsibilities of a regular member of the Board. Such designation shall be entered into the minutes of the Planning Board meeting at which the substitution is made.

Section 5. Application of Law.

All provisions of State Law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other Boards, as well as any provision of a Local Law, rule, regulation or policy relating to training, continuing education, compensation and attendance, shall apply to any alternate Planning Board member appointed pursuant to this Local Law.

Section 6. Severability.

If any provisions of this Local Law are held

to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law shall remain in full force and effect.

Section 7. Effective Date.

This Local Law shall take effect upon its filing with the New York Secretary of State.

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

David Knapp	Councilman	Voted	Yes
Sandra Smith	Councilwoman Smith	Voted	Yes
Thomas Bailey	Councilman	Voted	Yes
Norman F. Paul	Councilman	Voted	Yes
Gregory Scammell	Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

Dated: January 27, 2003

- **Adopt Local Law No. 3 – 2003 Moratorium on Applications for Nonconforming Uses.**

The following resolution was offered by Councilwoman Smith Smith, who moved its adoption, seconded by Councilman Bailey, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local law No. 3 of 2003, “A Local Law to Impose a Moratorium on Applications for and actions on Specific Permits Relating to nonconforming Uses in the town of LaFayette”, was presented and introduced at a regular meeting of the town Board of the Town of LaFayette held on January 13, 2003; and

WHEREAS, the SEQR review for this action was completed at this Board’s January 13, 2003 meeting; and

WHEREAS, a public hearing was held on such proposed local law on this 27th day of January, 2003 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 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, it is in the public interest to enact said Proposed Local Law No. 3 of 2003.

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. 3 of 2003 as Local Law No. 3 of 2003 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW NO. 3-2003**

**A LOCAL LAW TO IMPOSE A MORATORIUM ON APPLICATIONS FOR
AND ACTIONS ON SPECIFIC PERMITS RELATING TO NONCONFORMING
USES IN 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 of LaFayette has determined that a review of its legislative approach to nonconforming uses is in order. The Board recognizes that the completion of this effort and compliance with necessary legal requirements and procedures can be both time consuming and possibly subject to delays. The Town Board further finds that, pending completion of the necessary review, study, referrals, revisions and hearings incident to the preparation and adoption of an amendment to the Town's Zoning Ordinance and that unless reasonable measures are taking during the interim period to protect said deliberations and thorough review by the public, the Town Board, the Town Planning Board and other interested agencies, any significant variations in the uses where changes are contemplated in the density or type of development as provided under the existing Zoning Ordinance may destroy, frustrate or materially damage the work of this revision process.

It is therefore the intention of the Town Board to protect the integrity of the revision process pending its completion, and to prevent the creation of development incompatible or inconsistent with the revised zoning ordinance which would violate its basic intent and purpose. It is the further intention of the Town Board to provide for the orderly transition within the time necessary to accomplish same by hereby adopting, pursuant to the Municipal Home Rule Law, interim legislation for a reasonable time during consideration of the changes in the zoning ordinance to protect the public interest and welfare.

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, the Town Board, the Town Planning Board, the Zoning Board of Appeals and the Code Enforcement Officer and all other officers and employees of the Town of LaFayette shall not accept, process, review or grant approval of any

Specific Permit applications pursuant to Article V, Section D, in connection with nonconforming uses located within the Town of LaFayette , regardless of whether such applications have been submitted to the Town Board, Planning Board or Zoning Board of Appeals prior to the effective date of this Local Law.

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 including but not limited to the statutes set forth in the New York Town Law.

Section 4. ENFORCEMENT AND VIOLATION.

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 Board in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law.

Section 6. SEPARABILITY.

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

Section 7. EXCEPTIONS.

Notwithstanding the foregoing, this Local Law shall not apply to the following:

- a. Any land development application which has received approval from the Town of LaFayette prior to the effective date of this Local Law;**
- b. Any application pertaining to a single-family residential use dwelling.**

Section 8. VARIANCES.

- 1. 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.**
- 2. Application for a variance shall be filed in triplicate with the Town Clerk together with a filing fee of \$200.00. The application shall specifically identify the land involved, recite the nature-of the proposed use of the land, 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 shall be paid by the Applicant upon request.**
- 3. The Town Board may refer any applications for a variance herein to the Planning Board and to the Zoning Review Committee for their 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 zoning ordinance. Unless completely satisfied that the proposed variance is compatible, the Town Board shall deny the application.**
- 4. 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 9. EFFECTIVE DATE.

This Local Law shall become effective immediately.

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

David Knapp	Councilman	Voted	Yes
Sandra Smith	Councilwoman Smith	Voted	Yes
Thomas Bailey	Councilman	Voted	Yes
Norman F. Paul	Councilman	Voted	Yes
Gregory Scammell	Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

Dated: January 27, 2003

- Adopt Local Law No. 4 – 2003 Disabled Owners Property Tax Exemption.**

The following resolution was offered by Councilman Knapp, who moved its

adoption, seconded by Councilman Paul, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. 4 of 2003, “A Local Law Amending Local Law 2-2001 to Provide for an Increase in the Partial Real Property Tax Exemption for Persons with Disabilities Whose Incomes are Limited by Reason of Such Disabilities”, was presented and introduced at a regular meeting of the town Board of the Town of LaFayette held on January 13, 2003; and

WHEREAS, a public hearing was held on such proposed local law on this 27th day of January , 2003 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 possession of the members of the town Board of the Town of LaFayette in it’s 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 January 13, 2003 meeting; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. 4 of 2003

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. 4 of 2003 as Local law No. 4 of 2003 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW NO. 4 – 2003**

**A Local Law Amending Local Law 2-2001 to Provide
for an Increase in the Partial Real Property
Tax Exemption for Persons with Disabilities Whose
Incomes are Limited by Reason of Such Disabilities.**

Be it enacted by the Board of Trustees of the town of LaFayette, as follows:

Section 1.. New York Real Property Tax Law Section 459-c authorizes municipalities to provide a partial real property tax exemption for real property owned by persons with disabilities whose incomes are limited by reason of such disabilities.

Section 2. New York Real property Tax Law Section 459-c has been amended to authorize municipalities to increase the maximum income eligibility levels for the exemption for persons with disabilities from its current level to \$29,900.00 in accordance with the following schedule:

<u>EXEMPTION</u>	<u>INCOME LIMITS</u>
50%	\$21,500
45%	\$22,500
40%	\$23,500

35%	\$24,500
30%	\$25,400
25%	\$26,300
20%	\$27,200
15%	\$28,100
10%	\$29,000
5%	\$29,900

Section 3. Local Law 2 of 2001 is hereby amended to establish increased income eligibility levels for the exemption for persons with disabilities at the maximum amounts authorized by Real Property Tax Law, Section 459-c as described in Section 2 of this Local Law.

Section 4. This Local Law shall take effect in accordance with the provisions of the Municipal Home Rule Law.

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

David Knapp	Councilman	Voted	Yes
Sandra Smith	Councilwoman Smith	Voted	Yes
Thomas Bailey	Councilman	Voted	Yes
Norman F. Paul	Councilman	Voted	Yes
Gregory Scammell	Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

Dated: January 27, 2003

- Onondaga Nation land claim.
- LaFayette Central School District renovation/drainage (12.10.02 referendum).
Supervisor Scammell said he has not heard back from the school yet. The amount of water running off the school district’s property is the concern. The idea is not to increase the runoff from the school property any more than what it is now.

- Watercraft regulation on Jamesville Reservoir.

The repeal of the old ordinance will have a public hearing and be voted on at the February 10th meeting.

- Developer Fees & Planning Process Evaluation (SS & DK).
 - Meeting date change to speed up process.

Mr. Gilligan submitted a copy of the Meeting Schedule for the Onondaga County Planning Board. Their meetings are scheduled all over the place so it’s hard to see how we could reschedule our meetings to accommodate theirs unless we changed the date every month.

Councilman Knapp agreed. There is no consistent night.

Mr. Gilligan said it seems because of the jumping around of their schedule, it might help us one month and not another. He also submitted a copy of the 239 form that they can have Mary Jo fill out when the application comes in. They might be able to gain some time that way. One of the big difficulties is on a continuous basis for both Boards is the lack of a complete application when it's submitted. There are many occasions where something is submitted and if they send it in to County Planning they will kick it back stating they need more material in order to review it intelligently. Sometimes someone will come in for a sketch plan on paper instead of having a properly drawn survey. The Board usually tries to help them out by scheduling a public hearing and advising the applicant what they need to get into the Board and the material doesn't get to them in time to get it to County Planning by their deadline.

Councilman Knapp asked if in the application, does it have a list of things they need?

Mary Jo said yes.

Mr. Gilligan thinks they will find it will save time if Mary Jo fills out the Referral Form at the time the application is filed. In terms of the scheduling, he can't think of a way they can do this.

Supervisor Scammell said maybe we should tell the applicant right up front how long it might take them to do this.

Mr. Gilligan said normally it's a 2 month process.

Councilman Knapp said that would be optimal.

Mr. Gilligan said the rest depends on the completeness of the submission and the timeliness.

Mary Jo will start filling out the referrals.

- Subdivision process required when no new lots are created (simple moving of the lot line).

Supervisor Scammell if this is necessary.

Mr. Gilligan said yes. Any time you are adjusting a parcel in any way, it requires a public hearing.

Supervisor Scammell asked what this accomplishes.

Mr. Gilligan said basically it puts people around the property owner on notice. Once you start moving lot lines, you are suppose to have a public hearing according to state statute.

Mary Jo said people can come in and have properties combined to save on their taxes and no subdivision is done.

Mr. Lamson asked how we are suppose to keep track of this when tax maps may not agree.

Mr. Gilligan said you don't rely on the tax maps.

Mr. Lamson said we don't have any other records.

Mr. Taylor explained an illegal subdivision he is working on right now. When he gets the documents, he has no way of knowing if it's a legal subdivision or not.

Mr. Gilligan said what's done is for tax billing only. It has nothing to do with the zoning laws.

Mr. Lamson asked if besides tax maps do we have any other records that will tell us about this?

Mr. Gilligan said any subdivision records.

Mr. Lamson asked how about one done years ago?

Mr. Gilligan said if you go way back, there probably isn't any.

Mr. Taylor believes the Board should review the building permits. There are several that get carried over from year to year as people want to grandfather in pre-existing regulations. He thinks there should be a timeframe for them to act on them.

Mr. Lamson said whenever the applicant starts to build, he will have to go by NYS Building Codes. He doesn't feel this is an issue we need to look at.

- Establish alternate members for Planning & Zoning Board of Appeals.
- Amendment to 1970 Zoning Law (J. Langey).

Mr. Langey submitted a draft proposal for an amendment to the Zoning Ordinance. He would recommend under definitions for Yard, Rear - deleting the last sentence which reads "Accessory structures shall not be permitted in a rear yard closer to a rear yard or side line than 20 feet". It states a setback of 20' and the rest of the Ordinance states 25' for side-yard and 30' for rear-yard.

Mr. Lamson would suggest if people have a shed in their backyard, it could be closer. Most people don't want them in the middle of their backyards.

Mr. Gilligan believes the Zoning Board of Appeals does not wish to crowd property lines. The setback for Rear Yard is different than the rest of the Ordinance. They don't feel measurements should be part of a definition.

Supervisor Scammell asked Mr. Lamson if he felt that was too much of a setback.

Mr. Lamson said for a shed or something like that, yes. This could be addressed in a separate area of the Ordinance.

Supervisor Scammell asked what a reasonable setback would be.

Mr. Lamson said an accessible use which doesn't require a building permit could be closer than the 25'. If something requires a building permit, it must be 30' from the back property line. If it doesn't, it can be whatever distance the Board decides to put in the Ordinance.

Councilman Paul asked why this would be fair to the neighboring property owner who would have to view the shed?

Mr. Lamson said he would recommend 10' closer to the property lines for a shed not requiring a building permit. Would that make a big difference?

Supervisor Scammell asked for any input from the Town Board on Mr. Langey's recommendation.

Councilman Bailey said it clearly does appear to be a conflict. He would support the suggestion that this be dropped from the definition.

Mr. Gilligan said he will draft a proposal and have it ready for the Town Board at the February 10th meeting.

B. Other Active Projects.

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

Supervisor Scammell said this is still in process.

- 2) Time-Warner Cable TV franchise renewal.

Supervisor Scammell said Mr. Gilligan is helping with this.

3) Otisco Road speed limit reduction request.

Mary Jo said she has sent the D.O.T. a letter requesting the status and has not heard back yet.

4) Association of Towns website: Course Offerings.

5) T1 communications line – Niagara Mohawk/National Grid grant.

Mr. Taylor said the T-1 is installed and is currently being tested by Verizon. He hopes by February 15th, this will be up and running. Everything we have to do is done.

6) NYS Association of Towns: Resolution review.

1. Highway Funding

WHEREAS, recent studies of New York's extensive local road system continue to identify a multi-billion shortfall in funding of local highways and bridges, and

WHEREAS, a continuing and predictable stream of revenue for our local road system is essential for towns and other local governments to be able to properly plan their highway and bridge programs, NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls upon the Governor and Legislature to continue their support of the Consolidated Highway Improvement Program (CHIPS) and explore every way possible to first protect and then increase the levels of CHIPS highway aid which will allow towns to more ably address the critical needs which exist on the 85% of our State's road and bridge system which are a local responsibility.

The Board was in support of this.

2. Unfunded Mandates.

WHEREAS, New York State is only one of two states in the nation that utilizes the property tax as a revenue source to address Medicaid costs when it mandates that counties pick up 25% of the cost of the Medicaid Program, and

WHEREAS, Medicaid costs are increasing at a much faster rate than the growth of the property tax base, and

WHEREAS, this rapid, uncontrolled increase in Medicaid costs results in counties having to choose between reduced appropriations for other essential programs that have been their responsibility or raise property taxes at double digit rates, and

WHEREAS, towns are having to absorb the impacts of reduced county services or are threatened with reductions in sales tax sharing agreements, either of which puts even more pressure on the property tax; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls upon the Governor and Legislature to remove this burden from counties and property taxpayers in future State Budgets.

The Board is in support of this.

3. GML, 207-c Disability Benefits for Law Enforcement

WHEREAS, proposed amendments to section 207-c of the General Municipal

Law would provide full pay protection for police officers injured in the line of duty regardless of whether or not the injury or sickness results from the heightened risks and duties of police employment, and

WHEREAS, the increased local appropriations for law enforcement necessary to pay those additional costs will be substantial, NOW THEREFORE BE IT

RESOLVED, that the Association of Towns is opposed to further expansion of section 207-c benefits as it would have a devastating financial impact on municipal governments while further alienating other municipal employees who suffer identical injuries in similar circumstances but receive only the benefits provided under the Workers' Compensation Law.

The Board was in support of this.

4. Clean Water Act – Storm Water Mandates

WHEREAS, the NPDES (National Pollutant Discharge Elimination System) Storm Water Program is a comprehensive two-phased national program mandated by Congress under the Clean Water Act for addressing the non-agricultural sources of storm water discharges which adversely affect the quality of our nation's waters, and

WHEREAS, many towns fall within the classification of a small Municipal Separate Storm Sewer System (MS4) operator and are required to meet the mandates of the Clean Water Act, Phase II Storm Water regulations, some of which are well-beyond the finance capabilities of many smaller communities with limited resources; and

WHEREAS, many MS4 towns will be required to obtain coverage under a general permit (or apply for a SPDES permit) which will require preparation of a storm water management plan with six required elements, as well as annual reporting to the DEC which must include monitoring data sufficient to assess the status of the program; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls upon our Federal and State Governments to provide sufficient funding to offset the costs to smaller local governments subject to the Phase II Storm Water regulations in order that they can afford the mandates which this rulemaking will impose as of March 10, 2003.

The Board was in support of this.

5. Volunteer Firefighter and EMS Provider Tuition and Income Tax Credit.

WHEREAS, the State's fiscal year 2002-2003 Budget contained a welcome \$2 million appropriation for a college tuition tax assistance program for a limited number of fire service volunteers throughout new York State one member per fire company), and

WHEREAS, the tuition tax program is a critically important first step in supporting the volunteer fire and ambulance service providers who save New York State local governments over \$2.2 billion annually in operating costs alone; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns urges the Governor and State Legislature to establish additional incentives for emergency service volunteers including broad based income tax and tuition tax credits that will encourage greater levels of a volunteerism and help attract new, younger volunteers to these essential public safety services.

The Board was in support of this.

6. Unemployment Insurance for Elected Officials

WHEREAS, provisions of our State Unemployment Insurance Law reduced the potential unemployment insurance payment for any days in a work week in which a claimant is employed; and

WHEREAS, a part-time elected official who loses his/her regular employment but receives a small salary or stipend in his/her capacity as an elected official is deemed by the New York State Department of Labor to be employed under the above referenced statute; and

WHEREAS, when such elected officials file an unemployment insurance claim, he/she must report the total days during a work week on which any municipal business was conducted resulting in a substantial reduction in their unemployment benefits as those days are not considered as counting towards being unemployed; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns supports legislation which would amend the Labor Law to provide that part-time elected officials who lose regular employment shall still be eligible to collect unemployment insurance benefits, with the amount of any payment reduced only by the average weekly salary received as a municipal official.

The Board was in support of this.

7. Emergency Management Preparedness and Response

WHEREAS, the events of September 11, 2001 have focused the spotlight on the need for additional emergency preparedness and response planning; and

WHEREAS, local governments and their public safety service providers will be the first line of response to any terrorist or other emergency event; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls upon our Federal and State Governments to provide new funding to support local governments' ability to strategically plan for and respond more quickly to disaster events and, in particular, for training of first responders, dealing with chemical and biological terrorism and for meeting disaster equipment needs generally.

The Board was in support of this.

8. Property Tax Exemption Relief

WHEREAS, town governments still rely on the property tax as their principle source of revenue, and

WHEREAS, state policies and programs, including but not limited to the deinstitutionalization of the mentally disabled into community residences, the 480-a Forest Taxation Program and the expanding role of the State in the acquisition and protection of open space, have continued to erode local tax bases to the point where the NYS Office of Real Property Services reports that almost 1/3 of the real property of our state is now subject to one exemption or another; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns supports legislation which would require the State to make payments in lieu of taxes on state-owned land and buildings and

would provide for payments from the State on tax-exempt community residences for the mentally disabled.

The Board was in support of this.

9. Compulsory “Binding” Arbitration

WHEREAS, the state’s compulsory arbitration statute, 209 of the Civil Service Law, was again extended for two more years in June 2001 (for the 13th time) by the State Legislature; and

WHEREAS, the Governor in his approval message when signing the bill called for passage of legislation which would require compulsory arbitration panels to give priority to the financial ability of a municipality to pay for an award without increasing existing levels of local taxation, and further indicated that he would issue an executive order to establish a task force on binding arbitration; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls for the establishment of a task force to review the issues surrounding the binding arbitration process and further we support amendments of the Civil Service Law which would require giving the ability to pay a priority in the binding arbitration process.

The Board was in support of this.

7) Certificate of Appreciation for Jim Butkus.

Councilman Knapp moved and Councilwoman Smith seconded the motion to issue a Certificate of Appreciation for Jim Butkus for his years served on the Zoning Board of Appeals. Motion passed unanimously.

8) Appoint Alternate Delegate for Annual Association of Towns Meeting.

Councilmen Knapp moved and Paul seconded the motion to appoint Maureen Perrin as the Alternate Delegate for the Annual Association of Towns Meeting. Motion passed unanimously.

9) Approve submitted budgets to attend Association of Towns School.

Councilmen Knapp moved and Paul seconded the motion to advance Councilman Bailey, Maureen Perrin and Eva Palmer \$700 for expenses to attend the Annual Association of Towns School and not to exceed \$1,000 in expenses. Motion passed unanimously.

Mr. Chartrand said the Deputy Dog Control Officer was approved for an incorrect salary at the Organizational Meeting. It should be \$2,700.

Councilmen Knapp moved and Paul seconded the motion to approve salary of \$2,700 for the Deputy Dog Control Officer. Motion passed unanimously.

2. New Business.

A. Town holiday lighting.

Mary Jo said it will cost \$55.43 per outlet annually plus the cost of electricity when using which will be billed separately.

Councilman Knapp said there are 4 poles being used right now.

Mr. Cook asked who is heading this up.

Councilman Knapp said Dr. MacDaniel is. He will pass this information on to Dr. MacDaniel for his input.

Councilmen Knapp moved and Bailey seconded the motion to install outlets on 4 poles. Motion passed unanimously.

B. Other.

Mr. Gilligan asked if Supervisor Scammell had received a copy of LaFayette’s proposed schedule for the SPDES requirements. Mr. Dunkle submitted a draft for the Town Board to review.

Mr. Cook said he reviewed it and didn’t make any changes. He called Mr. Dunkle and said it looks good to him.

Councilman Knapp moved and Councilwoman Smith seconded the motion to authorize the Supervisor to sign the SPDES submission. Motion passed unanimously.

Mr. Harper submitted a list of eligible members for the Service Awards Program from the LaFayette Fire Department to get approval from the Town Board so they can be posted for 30 days.

Councilmen Knapp moved and Paul seconded the motion to accept the list and authorize posting of the list as submitted. Motion passed unanimously.

Councilman Knapp reminded everyone of the Winter Festival to be held this weekend.

- 3. Suggestions for improvement & positive contributions.
- 4. **Councilman Knapp moved and Councilwoman Smith seconded the motion to audit and pay the following bills:**

HIGHWAY	#8275 - 8281
GENERAL FUND	#8282 – 8311
TRUST & AGENCY	#8312 - 8313

- 5. **Councilmen Knapp moved and Paul seconded the motion to adjourn. Motion passed unanimously.**

The Town Board Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk