

February 10, 2003 – Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the Town Board of the Town of LaFayette on February 10, 2003 in the Meeting room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Gregory 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
Andy Peebles, North Rd.
Dorothy Tennant, Sentinel Heights Rd.
Robert Tennant, Sentinel Heights Rd.
Bruce Freund, Sentinel Heights Rd.
Mr. Murry, LaFayette
Marshall Taylor, Assessor/Clerk
Cindy Heckerman, Sentinel Hgts. Rd.

1. Supervisor Scammell opened the Town Board Meeting at 6:39 p.m.
2. Roll call. Taken at public hearing.
3. Pledge to the U. S. Flag. Completed at public hearing.
4. Motion to accept prior meeting minutes. Completed at public hearing.

5. COMMUNICATIONS.

A. Residents.

Mr. Taylor said we are going to go to the digital towpath. In order to do this, we need to purchase a high quality scanner that will read the document very quickly and turn them into electronic data for the website. He researched scanners and found an hp scanjet 7450c for \$560 under county contract plus a service contract for 3 years in the amount of \$40. He would recommend purchasing this contract. He spoke with Mr. Chartrand and there is a building equipment budget which he would recommend taking this out of. It will cost a minimum of \$100 to look at the current scanner which is broken and \$90/hour to fix it if it can be fixed.

Councilman Knapp asked the difference between this scanner and the ones selling for about \$100.

Mr. Taylor said this one has a 50 page document holder and it's much faster. It will take legal size paper. You might have hundred's of pages to put out on the web site. This would make it a lot easier.

Councilman Bailey asked where he got the quote from.

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Mr. Taylor said it's from a lease seller who works under the NYS Contract. The 3-year maintenance contract is less than \$50. If there is any problem with the scanner in the first 3 years, they send you a new one.

Supervisor Scammell asked for any other discussion.

Councilwoman Smith asked if we would have to upgrade programs that are existing now with this new system.

Mr. Taylor said everything has been upgraded that needs to be upgraded.

Mr. Murry said the main cost of the scanner is the quality of how it reads what's put into it.

Mr. Taylor said this comes with the software package that allows you to digitize faster. This will handle any file you send it. It's compatible with our system.

Mr. Chartrand asked it had flatbed capabilities too.

Mr. Taylor said yes. It's a very high resolution.

Councilmen Knapp moved and Bailey seconded the motion to authorize Mr. Taylor to purchase the hp scanjet 7450c scanner for an amount not to exceed \$650. Motion passed unanimously.

Mr. Freund introduced himself. He would like to comment to the Town Board his concerns regarding the Watson's Landscaping business on Sentinel Heights Rd. Without rehashing the whole years worth of events, the Zoning Board of Appeals passed a Resolution granting the Watson's to continue their operation under certain provisions. Some of those provisions have been violated already. One particular one was a tractor trailer not being able to back out of the property and getting stuck on Sentinel Heights Rd. blocking passage both north and south on the road. It was too big and couldn't turn around. It ended up being slid around by use of a chain attached to a backhoe. On/about February 1st, the Watson's put out a mailing that many people in the town received. The mailer notified the town that they were going to continue classes. The dates and times and fees for those classes were listed in the mailer. They are selling items that are not grown on the premises such as candy. Without reading the whole brochure to the Town Board, it would seem obvious to him that the Watson's have no intention whatsoever of adhering to the Resolution passed by the Zoning Board of Appeals. If he were a member of this Board or a member of the town governing body, he would feel that they were daring the town to do something about it. His question is what is the town prepared to do to enforce the Zoning Board of Appeal's Resolution concerning the Watson's? He understands that there may be some discussion later on during the meeting on this which will probably take place in Executive Session which they will not be able to participate in. They will not know what the Town Board has discussed. His second question is if there is some mechanism where the resident's will be able to find out the results of their discussion tonight and if they are or are not going to enforce the Town Zoning Board of Appeals Resolution and if so, what they will do about it.

Supervisor Scammell said the Board will be meeting later in Executive Session about this. He asked Mr. Gilligan for any comments.

Mr. Gilligan said this Board is not charged with the enforcement of that Resolution. It has no power over it. It was a Zoning Board of Appeals Resolution. If it's being violated in any way, complaints to the Code Enforcement Officer should be made

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asking him to address their concerns. He would be in charge of responding to violations of this Resolution.

Mr. Freund said Mr. Beggs advised this matter was now out of the Zoning Board of Appeals hands and there was nothing they could do.

Mr. Gilligan said that is correct.

Mr. Freund asked if the Zoning Board of Appeals has no power to enforce the Resolution and it's not the Town Board's job, whose job is it?

Mr. Gilligan said the Code Enforcement Officer's.

Mr. Freund asked if he has issued a citation to the Watson's. Someone must enforce this.

Mr. Gilligan said complaints to the Code Enforcement Officer would start this. If a resident believes the Resolution is being violated, that resident should make a complaint to the Code Enforcement Officer with the dates, times and place of the violation and the Code Enforcement Officer will investigate it and he will issue whatever citations are necessary. At that point it would go to the Justice Court where it would be prosecuted in front of one of the judges.

Mr. Freund said their brochure states they will hold their first set of classes tomorrow. He could call Mr. Lamson on Wednesday and state they have held the classes but they have put everyone on notice that they intend to hold these classes by mailing out the brochure.

Mr. Gilligan asked if the person who witnessed the tractor-trailer violation notified the Code Enforcement Officer.

Mr. Tennant said yes he did.

Mr. Gilligan said they could ask the Code Enforcement Officer to make a visit tomorrow night to see if they are holding a class.

Mr. Tennant asked what if the Code Enforcement Officer doesn't do anything?

Mr. Gilligan said he is the enforcement officer for the town.

Mr. Freund said they are being put in the position of being the policeman to enforce this town Resolution.

Mr. Gilligan said 98% of all code enforcement initiates from the complaints of neighbors. If you have to ask the Code Enforcement Officer to be present at certain times, he could be there to witness the violations and write them up himself. If they witness the violation, they can come in and swear out a complaint. Putting out a circular would not be a violation. Holding classes or after hour operations are violations.

Councilman Paul asked if the brochure was dated this Wednesday for the class?

Mr. Tennant said yes. He submitted a copy of the brochure they sent around.

Supervisor Scammell asked Mr. Gilligan if the Resolution the Zoning Board of Appeals determined would be on hold until the appeal process is complete?

Mr. Gilligan said no. The holding of classes and the hours of operation he believes they could be cited on. Removal of any building would probably not be enforceable until after the judge has ruled.

Mr. Tennant said they are totally confused. They have talked to Mr. Lamson several times. They have had him down there. He has only issued 2 to 3 citations over this past year. They have been to every Zoning Board of Appeals Meeting since February. They have asked why the Zoning Board of Appeals doesn't do things.

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Mr. Lamson was told to hold back and not do anything because it would go to court and make the process take longer. How come the Zoning Board of Appeals is telling Mr. Lamson what to do?

Mr. Gilligan said under state law there is an automatic stay on any action while an action is being considered by the Zoning Board of Appeals. Once the Zoning Board of Appeals has completed their proceedings and rendered a decision, it's up to the Code Enforcement Officer to enforce that decision.

Mr. Murry said he has read the papers filed by the Watson's to the court. He needs clarification. Zoning sets law for the zoning. In the papers before the judge, it appears they have asked the judge to make modifications to the zoning. He can make decisions if the Zoning Board of Appeals has acted within the parameters of the law but he cannot rewrite zoning. Is that correct?

Mr. Gilligan said that is correct.

Councilman Knapp asked basically what are the Watson's appealing?

Mr. Gilligan said the only standard available to someone seeking a variance, specific permit, etc. is a Zoning Board of Appeals decision. The judge determines if that Board's decision is irrational, arbitrary or capricious. He believes the Zoning Board of Appeals did a fine job. The Zoning Board of Appeals is like a five-member panel of judges. You make your application or appeal to the Zoning Board of Appeals and you provide evidence for your application. The Zoning Board of Appeals reviews all the evidence and makes a decision based on this evidence.

Mr. Tennant would like the Town Board to know they are not satisfied. They are hoping that whoever is in charge of enforcing the Resolution will do something. They, as homeowners, don't feel they are getting a fair shake. They believe the zoning law was written to protect everyone. He believes Watson's made a very serious violation of zoning when they brought the business from Route 11 to Sentinel Heights Rd. Mr. Lamson was notified and they don't think anything was done about it. He told Mr. Langey that a huge backhoe and dumptruck pulled into the Sentinel Heights location and Mr. Langey said they were probably going in for lunch.

Mr. Freund said they have gone through the process. They have spent a lot of time and effort going through the process. The Zoning Board of Appeals has made a resolution and they are becoming very frustrated because it seems nothing is being done.

Councilman Bailey said the process is going on. The Town of LaFayette and Zoning Board of Appeals are being named as defendants as the Watson's have filed a claim against us. It's going to the Supreme Court now.

Mr. Freund said one thing the Watson's make reference to in their claim is to the testimony being unsubstantiated. He doesn't believe the Zoning Board of Appeals made their final decision on unsubstantiated information. They are trying to say there are no facts. For 20 years they have gotten away with doing and saying whatever they want to.

Mr. Tennant said Onondaga County Planning said twice that this is too big for the area and the Zoning Board of Appeals said it's too big for the area and it counts for nothing.

Mr. Gilligan asked how he can say that when the Zoning Board of Appeals made a decision like they did.

Mr. Tennant said Watson's still have the big building and 2 greenhouses. They are almost operating the same business they did on Route 11.

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Mr. Gilligan said that is the decision of the Zoning Board of Appeals. The Watson's are challenging that and the Town will fight the lawsuit vigorously and it will be very expensive for the Town. It's going to be a vigorously defended lawsuit. To say the Town isn't doing anything isn't accurate. He has the motion papers, etc. In the mean time, if the residents witness violations, they should contact the Code Enforcement Officer. They should try to get photos and date and initial them and come in and swear out complaints.

Mr. Freund said they have concerns about going onto the property.

Mr. Gilligan would say not to go onto the property but at the time the truck got stuck, photos could have been taken, etc.

Councilman Bailey said if they had made a complaint with law enforcement at the time, there would be record of it.

Mr. Tennant said by the time you make a complaint and they get there, it's over.

Supervisor Scammell said the landscaping business is a separate piece. That is not part of the application. He doesn't know the status of the landscaping business.

Mr. Freund said the landscaping business did come up at one of the Zoning Board of Appeals Meetings. Greg Watson denied there was any connection between the two other than one being a parent company. He denied that he was working out of the Sentinel Heights location.

Mr. Gilligan said the resolution did not include the landscaping so if it operates from the site, it's a violation and Mr. Lamson can cite them for it.

Mr. Tennant asked if the Town Board would please go full-force.

Councilman Bailey said this governing body is named in this lawsuit and he doesn't take that lightly.

Mr. Murry asked if the Zoning Board of Appeals would be within their rights to pull the permit for them to operate a business as a whole over there?

Mr. Gilligan said he will not comment on that.

B. Onondaga County Vehicle Auction Schedule 2003.

Supervisor Scammell said Mr. Cook has a copy of this.

C. Southern Hills Preservation Corp.: 2002 Annual Report.

"In 2003, we will continue to expand our 1st time Home Buyer Program, offer home education workshops, rehabilitate the homes of low-income families and senior citizens, carry out lead based paint inspections and training, and provide low interest loans through our Revolving Loan Fund. In addition, we will be opening the new 32 unit East View Gardens Apartments in Minoa and intend to start a new Mini-Repair Program next month...It is the mission of the Southern Hills Preservation Corporation to promote affordable housing and community revitalization through development, financing, advocacy, counseling and education..."

D. Onondaga County Legislature: 2.3.03 agenda.

E. YWCA: 4th Annual Academy of Diversity Achievers Award.

"...4th Annual YWCA Academy of Diversity Achievers Award...the nominee should

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demonstrate one or more of the following criteria: Participates in programs to promote and embrace diversity; Supports opportunities for women’s growth and leadership; Embodies the spirit of peace, justice, freedom and dignity; Works towards the elimination of racism...”

F. NYS DEC: MS4 Statewide Satellite Broadcast.

Supervisor Scammell advised Mr. Dunkle is in the process of drafting the necessary paperwork for SPDES.

G. NYS DEC: Onondaga Lake.

“A Remedial Investigation (RI), which presents the results of field investigations....has been completed for the Onondaga Lake site...”

H. Onondaga County Department of Aging & Youth: Seventh Annual Intergenerational Celebration.

“...Seventh Annual Intergenerational Celebration of the Onondaga County Department of Aging and Youth...Community Service awards will be given in both youth and senior categories...Other award categories include Volunteer Working With Youth, Caregiver of the Year, Professional Youth Worker, Intergenerational Volunteer and Senior Citizen of the Year, to name just a few...”

Supervisor Scammell noted a nomination form is attached.

I. NYS DEC: Draft NYS Solid Waste Management Plan, 2001/02.

“...the Draft new York State Solid Waste Management Plan, 2001/2002 Update...a public hearing on ...March 10, 2003...”

J. Other.

6. **SPECIAL REPORT:** None.

7. **REPORTS.**

A. Departmental (4th Monday).

1) Dog Control: Jon Rogers & Sue Snavlin.

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

- South Syracuse Motel – Route 20 W – planned demolition (1.27.03).

- Farwell residence – Reidy Hill. Boarded up.

- Former lumber company office on Route 11 N – septic review.

- Jamesville Grove Grandstand permit needed – review when weather permits.

- Junk vehicle status.

- Former Craw Farm on Jamesville-Apulia – review in the Spring, when weather permits.

- Sunset Hills.

3) Highway Superintendent: Leon Cook.

4) Justice: Malcolm Knapp & Maureen Perrin.

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- 5) Library Director: Scott Kushner.
- 6) Recreation Director: Regina Reinschmidt.
- 7) Town Clerk: Mary Jo Kelly.
- 8) Town Supervisor: Greg Scammell.

B. Committee (2nd Monday).

1) Communications and Technology.

- Digital Towpath – Demo & Testing started.

Supervisor Scammell advised some other areas using this are Pulaski, Whitesboro, Hudson, Oswego, Watertown, etc. He submitted a copy of the Town of Trenton home page so the Board could get an idea of what the home page would look like for the Town of LaFayette. He thinks it's much less expensive than what we are doing now and over the long-term it will be more reliable.

Councilman Bailey asked if space is limited.

Supervisor Scammell said no. He believes Mike Forte graduates in May and feels we should be sure we are up and running O.K. by then.

2) Emergency Response.

- Defibrillators.

Councilman Bailey had nothing new to report.

- Annual Review of Disaster Preparedness Plan.

Councilwoman Smith and Mary Jo will work on updating this and adding cell phone numbers.

Councilman Knapp asked if the town had to do anything with the Orange Alert.

Mr. Gilligan isn't aware of anything.

Supervisor Scammell believes the schools have had to do some things.

Councilman Knapp said if it goes to Red, he knows there are some restrictions for government buildings. He thinks this should be checked into.

Mr. Gilligan said he would assume we would take our direction from the County.

Councilman Bailey said to contact Peter Alberti. He believes cell phones would be beneficial in case of a town crisis. He recommended doing up a kit for the Town Board, Highway Superintendent, etc. with cell phone numbers, Disaster Preparedness Plan, etc. so everyone has the same information in case of an emergency.

Councilwoman Smith and Mary Jo will work on an emergency kit.

Councilman Bailey said we could go one step further and contact Verizon, etc. to see about getting cell phones and have them turned on in an emergency.

Councilman Paul would recommend checking into the price of pagers.

Mary Jo will check with Mr. Cook regarding pagers as he has them for the Highway Dept. personnel.

Mr. Taylor asked what the Town Board would do once they were notified.

Councilman Bailey said it's a notification mechanism.

Mr. Taylor will check with Paytech regarding prices for the pagers.

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Supervisor Scammell said we have no idea what kind of attack it might be. It's so wide-range as to what it could be.

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/month). Keep as a topic?????
- Holiday schedule (Federal holidays vs. employee handbook). Keep as a topic?????
- NYS Disability Insurance. ~\$4/month – males, \$8/month – females. Keep as a topic????

4) Environmental and Conservation Advisory Board.

5) Highway.

- New EPA ditching/storm water management requirements (SPDES).

Supervisor Scammell said Mr. Dunkle, Mr. Gilligan and he have worked on this. Mr. Gilligan sent a letter to Mr. Dunkle stating the Town Board had authorized the Supervisor to sign and arrange submission of the SPDES Phase II NOI in accordance with their prior discussions.

Supervisor Scammell said he received a complaint regarding a parked car on Webb Rd. Mr. Cook said he has been watching this road for parked cars but hasn't seen any. Supervisor Scammell said he happened to drive by the other evening and there was a visitor or someone parked out in the road. The other complaint is that there's multi-family housing going on. He hasn't heard back from Mr. Lamson on this.

Mr. Gilligan said it's pretty dangerous. He came home Webb Rd. and there was a parked car on the right side just before you hit the bridge. You see it if you are traveling south on the west side of Webb Rd. It's at the last house before you get to the bridge.

Supervisor Scammell was talking about a different spot. The complaint he received is where you come off of Amidon Road onto Webb Rd. and go towards Rte. 20. There's a barn with a silo right before the crest of the road.

Mr. Lamson said there are one or two cars parked on Pioneer Road and the Highway Dept. has to plow around them.

Supervisor Scammell confirmed there are two on Webb and two on Pioneer Rd.

Councilman Bailey said the guys should call law enforcement when they are out plowing and see them. The Sheriff's/Trooper's can ticket the vehicle or have it towed. Any expenses incurred would be the responsibility of the vehicle owner.

Mary Jo said Mr. Cook wanted her to ask the Board to authorize the purchase of safety shoes for the Highway Dept. and for them to attend the Hazmat class. It takes about a month to set these things up.

Councilman Bailey believes the Board authorized the purchase of safety shoes for the Highway Dept. last year.

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The Board asked whose budget it would come out of.

Mary Jo advised both of these items came from the General Fund last year.

Councilmen Knapp moved and Bailey seconded the motion approving the Highway Dept. to attend the Hazmat class. Motion passed unanimously.

The safety shoes were tabled until the next meeting when the Board can discuss this with Mr. Cook.

6) SOTS & OCCRA Liaison.

Councilman Knapp said there was nothing new to report.

7) Physical Plant.

- Town Offices Directory.

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

Councilman Knapp said Fred Groth checked out the roof leak above the Library. He said the water has frozen in the eaves so when we get a couple of warm days, the water flows off the roof right over the eaves and runs down the wall. Now it's frozen solid but as soon as it warms up, it will leak again. Fred can put some flashing in there but he can't do it while it's frozen.

Supervisor Scammell hasn't heard back from Vanderhoof Roofing yet.

- Community Center cleanup (downstairs office, etc.).

- Community Center TV donation by Phyllis & Chuck Olmsted.

Supervisor Scammell said Phyllis and Chuck Olmsted donated a console TV for anyone to use at the Community Center. He helped Chuck bring it down.

- Recreation Director relocation (phone, painting, etc.)

8) Recreation and Youth.

Councilman Knapp said the Winter Festival went very well. They had a pretty good crowd. He knows well over \$1,000 went to Outreach. He thinks everything went very well. They even had a relatively good crowd for the evening festivities on the ice with the D.J.

a) Bailey Park.

b) LaFayette Beach.

- Fencing needed around pool (Safety Committee)?

Councilwoman Smith will talk with the insurance agent about this.

- New facilities (SS).

- Survey/transfer LaFayette Beach from LCC to town.

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- c) Stafford Park.
 - Fencing needed (Safety Committee)?

9) Safety.

10) Senior Transportation and Housing.

- F.I.S.H.
Supervisor Scammell advised this is still in process.

- LCS transportation for seniors for groceries, etc.
This is being checked into.

11) Service Awards.

Councilman Knapp asked if Mary Jo had heard anything from the person who might be appealing this.

Mary Jo said no but they still have time.

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.
- LaFayette Central School District renovation/drainage (12.10.02 referendum).
Supervisor Scammell has had some correspondence from the school on this.
- Repeal old watercraft regulation on Jamesville Reservoir.

TOWN OF LAFAYETTE

RESOLUTION TOWN BOARD MEETING February 10, 2003

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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 Town Law, a proposed ordinance repealing the June 15, 1953 Ordinance entitled **Alnboard Outboard Motor Boat Ordinance**, 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 ordinance on this date by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed ordinance having been heard, and said proposed ordinance having been in the possession of the members of the Town Board of the Town of LaFayette in the manner required by law; and

WHEREAS, an EAF regarding the adoption of this proposed Ordinance was prepared and submitted to this Board for its review and determination.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the proposed action is an unlisted action for purposes of SEQR, that there are no other involved agencies for purposes of SEQR that this Board shall act as lead agency for environmental review and that having reviewed the aforementioned EAF and considered the potential environmental impacts that might be associated with the proposed ordinance, it is the determination of this Board that no adverse environmental impacts are likely to emanate from this action, and therefore this Board renders a negative declaration; and it is further

RESOLVED AND DETERMINED, that the reasons supporting this negative SEQR determination are as follow:

- For the reasons set forth on the EAF, Part II.
- New York State Law forbids Town prohibition of motor craft from waters in the State; thus, it is likely that the Town's current 1953 Ordinance is unenforceable.
- Having reviewed alternate regulatory approaches, it became apparent that repeal of the existing 1953 Ordinance was necessary for jurisdictional reasons.
- Despite the 1953 Ordinance, motorized craft have operated on waters within the Town continuously for many years therefore the repeal of the 1953 Ordinance will have little or no impact upon existing conditions.
- The Town has no mechanism for enforcement of local regulation of water body use.

and it is further

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

ORDINANCE REPEALING THE 1953 ORDINANCE OF THE TOWN OF LAFAYETTE REGULATING INBOARD AND OUTBOARD MOTOR BOATS IN THE TOWN OF LAFAYETTE®

BE IT ORDAINED, by the Town of LaFayette, acting through its duly constituted Town Board hereby determines that the prior Ordinance of the Town, dated June 15, 1953, entitled **Alnboard Outboard Motor Boat Ordinance®**, is and the same shall be repealed, in its entirety.

Effective Date: This Ordinance shall take effect as provided in Article 9 of the New York State Town Law.

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

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

The foregoing Resolution was thereupon declared duly adopted.

DATED: February 10, 2003

- Developer Fees & Planning Process Evaluation (SS & DK). Supervisor Scammell advised Doug Morris has retired from SOCPA.
- Establish alternate members for Planning & Zoning Board of Appeals.

**TOWN OF LAFAYETTE
RESOLUTION TOWN BOARD MEETING
February 10, 2003**

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

WHEREAS, pursuant to the provisions of the Town Law, a proposed ordinance was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on January 13, 2003 which would amend the 1970 Zoning Ordinance of the Town with respect to its Zoning Board of Appeals to

clarify certain language and to create the position of Alternate Board of Appeals Member; and

WHEREAS, a public hearing was held on such proposed ordinance on this date by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed ordinance having been heard, and said proposed ordinance having been in the possession of the members of the Town Board of the Town of LaFayette in the manner required by law; and

WHEREAS, at its January 13, 2003 meeting, this Board determined that the proposed ordinance amendment, as herein described, was a Type II action for purposes of environmental review under SEQR.

NOW, THEREFORE, it is

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

**AMENDMENT TO THE 1970 ZONING ORDINANCE
OF THE TOWN OF LAFAYETTE, AS AMENDED**

BE IT ORDAINED, by the Town of LaFayette, acting through its duly constituted Town Board and pursuant to the authority conferred by Section 265 of the Town Law, the 1970 Zoning Ordinance, as amended, of the Town of LaFayette is hereby further amended as follows:

1. Article VI - Board of Appeals, Section AA shall be amended so that said paragraph shall read, in its entirety, as follows:

SECTION A. ORGANIZATION

1. The Board of Appeals shall consist of five members, all residents of the Town of LaFayette, to be appointed by the Town Board for terms of five years, in staggered terms. One member shall be designated by the Town Board to serve as Chairperson. If a vacancy shall occur, the Town Board shall appoint a successor who shall serve for the unexpired portion of the term of his/her predecessor.
2. The Town Board may appoint an alternate member to the Board of Appeals. Such Alternate member, if appointed, would serve when a regular member of the Board of Appeals is absent or unable to participate on an application or matter before the Board of Appeals. Such alternate member of the Board of Appeals shall be appointed for a term of one (1) year. In the event that a regular member of the Board of Appeals is absent or unable to participate on an application or matter before the Board of Appeals, the Chairperson of the Board

of Appeals may designate a duly appointed alternate member to substitute for a regular member of 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 Board of Appeals meeting at which the substitution is made. All provisions of State Law relating to Board of Appeals 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 member of the Board of Appeals appointed pursuant to this Section.®

2. **Effective Date:** This Amendment to the 1970 Zoning Ordinance of the Town of LaFayette, as amended, shall take effect as provided in Section 265 of the Town Law

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

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

The foregoing Resolution was thereupon declared duly adopted.

DATED: February 10, 2003

- Draft proposal for Amendment to 1970 Zoning Law (J. Langey).

TOWN BOARD RESOLUTION
February 10, 2003

Councilman Knapp introduced a proposed Zoning Ordinance Amendment amending the definition of AYard, Rear®, and made the following motion, which was seconded by Councilman Paul:

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the adoption of an Ordinance in the Town of LaFayette, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the

proposed adoption of said Ordinance, with the result that the Town Board shall act as lead agency in this matter.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the following proposed Ordinance Amendment is hereby introduced for the Town Board's consideration:

**AMENDMENT TO THE 1970 ZONING ORDINANCE
OF THE TOWN OF LAFAYETTE, AS AMENDED**

BE IT ORDAINED, by the Town of LaFayette, acting through its duly constituted Town Board and pursuant to the authority conferred by Section 265 of the Town Law, that the 1970 Zoning Ordinance of the Town of LaFayette, as previously amended, is hereby further amended as follows:

1. Article VIII - DEFINITION, Section AB@, subsection 1., paragraph gg), entitled AYARD, REAR@ shall be amended so that said paragraph shall read, in its entirety, as follows:
AYARD, REAR: The ground space on a lot existing the full width of the lot between the rear line and the nearest point of the principal building or use.@
2. Effective Date: This Amendment to the 1970 Zoning Ordinance of the Town of LaFayette, as amended, shall take effect as provided in Section 265 of the Town Law.

and it is further

RESOLVED AND DETERMINED, that the adoption of said Ordinance is a Type II action for purposes of environmental review under SEQR, therefore concluding the environmental review process; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the adoption of this proposed Ordinance at the Town Hall located at 2577 Route 11 on February 24, 2003 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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	Voted	Yes
Thomas Bailey	Councilman	Voted	Yes
Sandra Smith	Councilman	Voted	Yes
David Knapp	Councilman	Voted	Yes
Gregory Scammell	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

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- Watson v. Town of LaFayette.

Councilmen Bailey moved and Knapp seconded the motion for the Town Board to go into Executive Session to discuss pending litigation and to include the Town Attorney and Code Enforcement Officer. Motion passed unanimously.

The Town Board went into Executive Session at 7:55 p.m. and Supervisor Scammell called the regular Town Board Meeting back to order at 8:34 p.m.

- Groth Road Communications Tower – AT & T.

Mr. Gilligan received a call from their attorney asking for another copy of the lease.

B. Other Active Projects.

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

Supervisor Scammell said this should be completed in the fall.

- 2) Time-Warner Cable TV franchise renewal (GS).

- 3) Otisco Road speed limit reduction request.

Mary Jo received a letter from the D.O.T. stating they would be sending their engineers out to complete a study on this road.

- 4) T1 communications line – Niagara Mohawk/National Grid grant (MT).

Mr. Taylor said the T-1 has been installed. They will be coming tomorrow to switch everything over. He presented a spreadsheet showing items paid for and those still outstanding. He had anticipated a cost of \$7,450.40 and currently is under this at \$6,464.90.

- 5) Town holiday lighting.

Councilman Knapp said the Town Board opted to do 4 poles for now. Mr. Pinkerton was able to get the cost down to \$44 per pole.

9. NEW BUSINESS.

- A. Certificate of Appreciation – Reverend Donald Moody.

Councilman Knapp moved and Councilwoman Smith seconded the motion to issue a Certificate of Appreciation to Reverend Donald Moody for his years as Town Historian. Motion passed unanimously.

Mr. Lamson recommended having him come to the Meeting to have the Certificate presented to him.

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

Councilman Bailey noted that Pat DiDomenico, the Supervisor for Clay, has passed

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away.

Mr. Gilligan recommended a memorial resolution by the Board thanking him for his years of service as head of the Town Supervisor’s Association, the work he did for the county as well as his own town, etc. and stating the Town of LaFayette thanks you. A copy could be sent to the Clay Town Board and to the family.

Councilmen Knapp moved and Bailey seconded the motion to do a memorial resolution for Mr. DiDomenico. Motion passed unanimously.

11. Councilmen Knapp moved and Paul seconded the motion to audit and pay the following bills:

HIGHWAY FUND	#8334 thru #8345
GENERAL FUND	#8346 thru #8377
SPECIAL DISTRICTR	#8379

Motion passed unanimously.

12. Councilwoman Smith moved and Councilman Knapp seconded the motion to adjourn. Motion passed unanimously.

The Town Board Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk