

Minutes of the Town Board Meeting held by the LaFayette Town Board on May 12, 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: Leon Cook, Highway Superintendent
Tom Chartrand, Bookkeeper
Kevin Gilligan, Town Attorney
Marshall Taylor, Assessor/Clerk
Anne Smith, Historian
Cindy Heckerman, Sentinel Hgts. Rd.
Mr. & Mrs. Cree, 2048 Clark Hollow Rd.
Craig Fox, CRAM Communications

Supervisor Scammell called the meeting to order at 6:40 p.m.

COMMUNICATIONS:

Residents:

Mr. and Mrs. Cree were present to discuss a variance or zone change request for their property at 2048 Clark Hollow Rd. Mr. Cree said his wife is in the process of obtaining a NYS Dealers License. One of the stipulations is she must hang a 3'x3' sign visible from the road. He has a 3-bay garage he would like to hang this from. They are asking for the sign and to park a car or two there.

Supervisor Scammell said in order to operate a car dealership there it would have to have a zone change.

Councilman Knapp asked if there isn't a state law that says you must sell a certain number of cars a year to be considered a car dealership?

Mr. Cree said there is a stipulation which states there is no amount for a small dealership.

Councilman Paul asked if the sign would be a free-standing sign or hung on the building.

Mr. Cree said it would hang right on the building. It would be a little 3' x 3' red and white sign. This sign would just have the state numbers on it.

Kevin Gilligan asked how many cars they would have.

Mr. Cree said it would be a part-time thing as they have other businesses.

Councilman Bailey asked if there were any plans for repair work.

Mr. Cree said no. He has a mechanic in Apulia that would do all his work.
Councilman Paul asked if there are houses in the area.

Mr. Cree said he has approached his next-door neighbor who has no problem with this.

Mrs. Cree said they can actually put the cars inside the 3-bay garage.

Councilman Bailey asked how the cars will be delivered.

Mr. Cree said once you get your license, you get a dealers plate and you drive them yourself.

Councilman Knapp asked who his neighbor is.

Mr. Cree said Mark Dorward.

Councilman Paul asked if there isn't something that when they are applying for a dealership, they must have an advertising sign.

Mr. Cree said they don't require one.

Councilman Paul said maybe it depends on the amount of cars which would be there at one time.

Kevin Gilligan asked how large their parcel is.

Mrs. Cree said 35 acres.

Kevin Gilligan asked how much they are asking to have zoned for this business.

Mr. Cree said just the garage.

The Board requested Ralph Lamson to go down there and visit the parcel and advise the Board what would be required.

Councilman Bailey would like Ralph to take some photos of the area.

Supervisor Scammell asked Mary Jo to forward their request on to Ralph. He advised he or Ralph will contact them with whatever determination they make.

The following written correspondence was received:

- F.O.C.U.S. Greater Syracuse: Baby Boomer Economic Development Update.

"...18-month initiative designed to help communities retain and attract soon to retire boomers as productive citizens, purchasers of services and goods, taxpayers and civic trustees...Overall, the response has been extremely positive;...An exciting outcome of the program was the offer of Zogby International...Other organizations that have come on board include Partners for Livable Communities, AARP national and regional, The New York State Office for the Aging, the Onondaga County Office for Aging and Youth, the Oneida County Office for Aging, the Onondaga County convention Center, the Syracuse Convention and Visitors Bureau, and six colleges, including Cornell University, Ithaca College, Lemoyne College, Syracuse University, SUNY College of Environmental Science and Forestry, and SUNY Upstate Medical University..."

- Onondaga County Executive Nick Pirro: West Nile Virus.

Supervisor Scammell asked if anyone had been able to attend the recent meeting held on this.

Councilmen Paul said the information was forwarded to the Board Members but no one was able to attend.

Supervisor Scammell asked Leon Cook if he had heard anything on this.

Leon Cook said not since last fall when they requested us to get rid of all the tires and any standing water in the ditches.

Councilwoman Smith asked if we do any spraying to help with this.

Leon Cook said no.

- Onondaga County Department of Water Environment Protection: Department name change.

“...the formal name of this Department was changed from Drainage & sanitation to Water Environment Protection...”

- P.E.A.C.E. Grantsmanship Center Training.

“...TCCI’s signature Grantsmanship Training Program – the most widely attended training program in nonprofit history - is coming to Syracuse, June 16-20. You and your staff are invited to attend this intensive five-day workshop, hosted by P.E.A.C.E., Inc...”

Supervisor Scammell said this was an excellent workshop.

- Time Warner Cable: Ownership

“...On March 31, 2003, we completed the restructuring of the TWE partnership and approximately 94 % of the equity and all general partnership interests in TWE are now or soon will be held by Time Warner Cable Inc. through its wholly owned subsidiary Time Warner NY Cable Inc...”

- NYS Department of Public Service: Cable TV service rules.

“...New York State Public Service Commission (‘Commission’) is seeking comments on proposed changes to its rules regarding cable television service...The Commission is interested in comments from the public regarding the proposed rule changes...Among the changes being proposed are the following: Franchise Agreements and Renewals: Cable companies and municipalities would have the option of entering into franchise agreements for up to 15 years, rather than the current 10 years, which would provide flexibility for a longer or shorter franchise term depending on the local circumstances. A mediation procedure would be available for franchise renewals. No mediation procedure is available in the current rules. A cable company and a municipality would be permitted to agree to a minimum of a single-shared public, educational and governmental access channel rather than the two channels now required...”

- Southern Hills Preservation Corp.: Mini Repairs to Homeowners.

“The Southern Hills Preservation Corporation will offer a new program to homeowners in need of “lite” repairs and maintenance starting April 1st. The Mini-Repair Program will provide limited assistance to homeowners in SHPC’s service area of southern Onondaga County. Typical projects include replacing fuses, repairs to porches and stairs, installing handrails, fixing faucets and

unplugging toilets, wrapping hot water heaters and more. There is no income test or other eligibility criteria for applicants except the house must be owner-occupied and proof of homeowners insurance provided. Additional, a \$15 co-pay is requested for homeowner per project...”

- Secretary to the Governor: Budget concerns.
- Onondaga County Legislature: 5.5.03 agenda.
- Syracuse Convention & Visitors Bureau: New Executive Director.

“...Douglas G. Small, of La Quinta, California, has been hired as executive director of the Syracuse Convention and Visitors Bureau...”

- NYS Governor George Pataki: Budget concerns.

“...Governor: Analysis shows legislature’s budget actions will cause massive financial problems, hurt economy, harm taxpayers...The Legislature’s actions will have a negative impact of more than \$60 million on counties outside New York City as compared to the Executive budget. The Legislature rejected virtually all mandate relief initiatives including Wicks reform, municipal tort reform supported by mayor Bloomberg, and other critical mandate relief measures that would substantially reduce costs for local governments...”

- Niagara Mohawk/National Grid: Automated Meter Reading.

“...will begin installing Automated Meter Reading (AMR) in your neighborhood during the next few weeks...”

- NYS Governor George Pataki: NYS EPF grants.

“I am pleased to announce the availability of grant applications for several programs funded under New York State’s Environmental Protection Fund (EPF). Since 1995, more than \$2.3 billion from the EPF and the 1996 Clean Water/Clean Air Bond Act has been invested throughout New York for projects that protect the quality of our natural resources and improve and enhance our environmental infrastructure. In addition, federal funding is available under the Land and Water Conservation Fund (LCWF), through grants administered by the State...”

- Reagan Agency: Public Officials policy renewal options.

Supervisor Scammell noted an increase of about 10% in either of the two options.

Councilman Knapp asked what this covers.

Supervisor Scammell believes it’s for when someone sues us.

Kevin Gilligan said that is correct. If you are sued in your individual capacities.

Councilman Paul asked what the other towns Kevin represents get.

Kevin doesn’t know. He doesn’t get involved usually in how much coverage they carry. He asked how much written coverage the town has. He asked if this has always been a million.

Supervisor Scammell said yes.

Kevin said you might renew it for one million and get estimates for anything above that.

Supervisor Scammell asked how many times we have actually used the policy in the past.

Kevin Gilligan believed the last time was regarding the Dog Control person. He believes it basically covers your individual exposure. You also carry your town insurance. There may be times you are sued individually and because you are acting on behalf of the town, this insurance covers you.

Supervisor Scammell said the main question is, is a million dollars enough until someone can talk to the insurance agent?

Councilwoman Smith will contact them for an estimate to go to the next level.

Marshall Taylor said maybe with the amount of insurance the town has, it might be worth checking to see the cost with other insurance companies if it is bundled.

Kevin Gilligan said most companies won't write the public officials coverage unless they have the whole package.

Supervisor Scammell said if a million dollars is what the Board decides to stay with, he would recommend taking Option 1.

Supervisor Scammell moved and Councilman Knapp seconded the motion to renew the public officials insurance as follows:

Limits:	\$1,000,000 each Claim/Annual Aggregate
Deductible:	\$2,500 each loss including Loss Adjustment Expense
Premium:	\$4,892

Motion passed unanimously.

- NYS DEC – SPDES acknowledgement.

“...This letter is to acknowledge receipt of the resubmitted notice of Intent (NOI) application for the Municipal Separate Stormwater Sewer System (MS4) located at the MS4 Name as the Town of LaFayette, MS4 County of Onondaga, NYSDEC Region 7 under MS4SPDE No. NYR20A039...”

Kevin Gilligan said there could be some expensive aspects of this. For example, mapping where the town's drainage systems are. Eventually there will be decals or stencils on the road which state where the drainage will go to.

Councilman Knapp asked if the town has to do the mapping for the state and county roads too.

Leon Cook said we are only responsible for town roads as far as he knows.

Kevin Gilligan said that is correct. The town will only be responsible for their town roads.

Leon Cook said John Dunkle told him it would not be a big deal. He would take one of our regular maps and plot the information on it. It would take 2-3 days to do the mapping.

Kevin Gilligan said the first deadline is June 6, 2004. Someone should get together with John Dunkle to figure out what has to be in by that date so the town

is in compliance.

Councilman Knapp asked Leon if he thought there would be a lot of construction with this.

Leon Cook said they were talking about not allowing the water to run off the road. That hasn't been finalized yet.

Kevin Gilligan feels this will adjust as we move forward.

Supervisor Scammell said we don't know how much help to expect from the county.

Kevin Gilligan said or from the state.

- CRAM Communications – Application for towers.

Supervisor Scammell noted there is a full Environmental Assessment Form in the packet.

Craig Fox, President of CRAM Communications said they have addressed the issues Mr. Gilligan stated in his letter.

Supervisor Scammell noted Omnipoint did not sign the document.

Craig Fox said they sent a certified letter and received no response. He called their office and faxed a woman the information and got no response. They can try again. They did receive responses from the other two tenants. There is no difference on the affect on Omnipoint than on the other tenants.

Councilman Paul asked why Craig though they didn't respond.

Craig Fox believes they are reorganizing their company.

Supervisor Scammell would like to see them sign off as they are tenants on the tower.

Kevin Gilligan said AT & T Wireless will also be locating on the tower within the next 60 days.

Craig Fox said every time the town gets a new tenant it's not going to be a matter of them having a right to refuse CRAM to continue to be there.

Kevin Gilligan said the town needs to be comfortable that CRAM's operation will not interfere with the town's present or future tenants as it has a responsibility not to allow anything in that area that will interfere with their signals.

Craig Fox said from their standpoint, the town tower has an affect on their signal. Their towers will have no affect on anything the town puts on its tower.

Kevin Gilligan asked if he is saying the town's tenants will have more impact on CRAM than CRAM will have on the town tenants.

Craig Fox said it's the tower itself. There are metal power poles and towers in many places that are near AM stations and a detuning wire must be placed on the AM towers. It has no affect on the people located on the towers. The communication towers are there to hold antennas. In the case of the AM station, the tower is actually the radiator of the signals so when someone puts up a metal tower, there is a reaction of their signal bouncing off the tower.

Kevin Gilligan asked if they would be 1,000 feet away from the town tower.

Craig Fox said their nearest tower would be about 1,850 feet away.

Kevin Gilligan asked if that measurement is on the map somewhere.

Craig Fox said the preparer advised this would be inappropriate to put on the map.

Kevin Gilligan requested it be put on.

Craig Fox said other than going to the office of Omnipoint, he doesn't know how to get them to sign off.

Kevin Gilligan said if he is having difficulty getting a response, let him know and he will see if he can get them to respond.

Councilman Paul asked when they sent the letter.

Craig Fox said August of 2002. One of the things he would like to point out is that they thought they would only have to light 3 of the 5 towers and the FAA has told them they will have to light all 5 of them. He handed out some revised tower maps.

Kevin Gilligan asked if it's white lights during the day and red at night.

Craig Fox said there are no lights during the day and red lights at night.

Kevin Gilligan requested the town tower be labeled "Town of LaFayette Tower" on the map. They also should identify that the road is Groth Road and where it ends.

Craig Fox said in Kevin Gilligan's letter he suggested doing a balloon study. Balloon studies are expensive. Because the town has an existing tower there as a reference, he did prepare a few photo's of what the CRAM towers might look like from a few different locations.

Councilman Paul asked the approximate cost of a balloon test.

Craig Fox said about \$10,000. He submitted the photos. The towers will be orange and white. The pictures were taken from Route 11, the corner of Bella Vista Dr. and Norman Dr. and the corner of Mondore Dr. and Route 11. The face of the tower will be 2' wide.

Councilwoman Smith asked how the guide wires are put in the ground.

Craig Fox said they use concrete.

Councilwoman Smith asked how many there are for each tower.

Craig Fox said each tower will have approximately 3 guide lines. It depends on the builder. They haven't finalized who will be manufacturing or constructing the towers yet. Any plan they do will be stamped by a New York State engineer.

Councilwoman Smith asked how deep the concrete goes into the ground,

Craig Fox said 4 to 5 feet.

Supervisor Scammell noted on page 5 of the SEQR they say there will be one off-street parking space. Where will that be?

Craig Fox said it will be right next to the building.

Supervisor Scammell asked how they will get to the building.

Craig Fox said there is a right-of-way and they must fix up the gravel road to get to it.

Councilman Paul asked if they need to build the road to town specs.

Leon Cook said only if the town is going to take it over and the town doesn't plan to do that.

Supervisor Scammell said on page 5 of the SEQR it states they will be removing 40 acres of vegetation. Where will they take it to?

Craig Fox said one of the past owners, Burt Coleman, said he knows someone who will come in and take care of this.

Supervisor Scammell said on page 6 of the SEQR it discusses trees over 100 years old. He knows there has been harvesting done periodically. How do they know there are no trees over 100 years old?

Craig Fox said Burt Coleman told them there wasn't any. There really isn't a forest there. It's basically shrubs.

Supervisor Scammell said under item #9 they stated they would be generating 4 to 6 jobs during construction.

Craig Fox said that would be the people putting up the towers and constructing the building.

Supervisor Scammell said these aren't new jobs generated because of the tower business.

Councilman Knapp said this borders the Onondaga Nation.

Kevin Gilligan said yes it does.

Councilman Knapp asked if anything needs to be done because of this.

Councilman Paul said he knows one time the Nation wasn't made aware of something that was going on and were pretty upset that they weren't made aware of it. He asked the voltage and type of bulbs used in the lighting.

Craig Fox said the beacons on the top have two 620 watt bulbs.

Councilman Paul asked what type of lighting.

Craig Fox said they are regular bulbs, not mercury.

Councilman Paul asked if they are comparable to what we see on other towers.

Craig Fox said they are the same as the WSYR tower lights. The side lights are 107 watt bulbs.

Kevin Gilligan asked how much the lighting system costs per tower.

Craig Fox said he has never purchased the lighting system separately from the towers. He would say the beacons are probably \$1,000 to \$1,500.

Kevin Gilligan asked if that included installation.

Craig Fox said no. That would be just the cost of the beacons.

Councilman Paul asked what type of power the little shed would supply.

Craig Fox said their equipment in total will use regular almost household type power. They will use 50-60 amps at 240 volts.

Councilman Paul asked if the cable would be underground.

Craig Fox said that would be up to the power company.

Councilman Knapp asked if that is all the power it takes to generate their signal.

Craig Fox said yes.

Supervisor Scammell said on page 16 of the SEQR it discusses the impact on aesthetic resources. Under "proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural", you state this will have a potentially larger impact but that it can be mitigated.

Craig Fox said when they originally started this proposal it was to be located on Sentinel Hgts. Rd. They returned to their designer and were able to shorten the towers to the heights that they are at now. They can't mitigate more than what they have now.

Supervisor Scammell said under Item 12 it asked if the proposed action will impact any site or structure of historic, prehistoric or paleontological importance. He asked if they had discussed this proposal with the Onondaga Nation.

Craig Fox said no.

Supervisor Scammell thinks the net spot in the EAF is in the narrative at the end of the document. His concern is that even though he can see the pictures, the bright orange that would be visible to the residents is a concern. Is there any way around it?

Craig Fox said he found the higher they went, you are really looking down on the towers and the towers are kind of buried in the landscape. It was really only along route 11 that you would be looking up at them.

Kevin Gilligan asked if the property splits where it goes through tower 6.

Craig Fox said they own both parcels now.

Kevin would suggest this be shown on the map too.

Councilman Paul said on page 21 of the SEQR, item 20 asks if there is or likely to be public controversy related to potential adverse environmental impacts. CRAM replied yes to this. He asked Craig to explain his answer.

Craig Fox said it just seems that any time people propose towers there is someone who says they don't want to look at them.

Councilman Paul asked if he meant aesthetically or environmentally.

Craig Fox said aesthetically, not really environmentally.

Councilman Bailey asked the weight bearing of each tower in the case of a horrific ice storm. He asked if modern technology in the manufacturing of these towers thought of putting electrical warming or heating systems on them.

Craig Fox said if the tower fell straight to the east, it would fall on Route 81. None of their towers are tall enough to fall into Route 81. If they fell they would only fall on their own property. He said modern day tower design really tries to take wind and ice patterns into account.

Councilwoman Smith asked how often the towers are inspected and by whom.

Craig Fox said the FCC requires inspections every 3 months. The quarterly inspections are basically just checking to be sure there is nothing obviously wrong. Once a year they are required to have a professional tower company check all the bolts, tensioning of the guide wires, etc.

Councilman Paul said the application states a 20' x 20' and 60' receiving tower to be constructed. Are they two separate towers?

Craig Fox said they are planning to pick up the signal they are broadcasting from the signal in Syracuse. They need a tower just above the trees to pick up that signal. That tower will be adjacent to the building. This tower will be 60' high or less. This tower will not be on the building and is not part of the 5 tower plan.

Councilman Paul said the application states 5 million people will view this project.

Craig Fox said he gave the question his best estimate by coming up with an average of 100 cars per minute passing by the site on Route 81 and multiplied

that number by 24 hours a day. The same amount would see the town tower. He looked as much as he could on the internet for traffic studies but couldn't find anything.

Kevin Gilligan believes the DOT might have some traffic studies on this.

Supervisor Scammell asked for any other questions or comments. There were none. He asked Kevin what the next step is.

Kevin Gilligan said he will have to review this. If everything is set, the Board will refer it to the Town Planning Board and the County Planning Board and to the Onondaga Nation as it's within 300' of them. When the Planning Board is done reviewing it, they will refer it back to the Town Board with their comments.

Craig said AM stations are very dependent on how the soil conductivity is. They would like to put up a temporary tower this summer to make field strike measurements for between 30 – 60 days.

Councilman Knapp asked how tall it would be.

Craig Fox said it would be one tower at 250'.

Kevin Gilligan asked if this would be on the spot where a future tower would go.

Craig Fox believes it would go about where tower # 4 would be.

Kevin Gilligan said this tower is the one located closest to the Nation so if they have any concerns, they will have an idea what it will look like.

Councilman Paul asked if they have any other towers like the ones they are proposing.

Craig Fox said the WOLF tower is 415' which they have in the city. In East Syracuse near Exit 34A they have a short 166' tower. Their other towers are in Auburn, Scriba, New Haven and North Bay. The one in Auburn is right in the city.

Councilwoman Smith asked what area they expect to cover.

Craig Fox said the daytime signal will be very close to 70-80 miles. The nighttime signal is much less and will possibly cover up to North Syracuse.

Kevin Gilligan believes the Board will have to look at the SEQR before making a decision.

Marshall Taylor asked if the residents and the Onondaga Nation should be contacted prior to approval of this.

Kevin Gilligan said a SEQR must be done even before the Board allows the testing. He advised Craig to do a short EAF write up for a short-term testing.

Councilman Paul asked if the Omnipoint response will be received by them.

Kevin Gilligan said hopefully this will be resolved by then.

- Speed limit reduction request for Tully Farms Rd.

Supervisor Scammell said a petition from residents on Tully Farms Rd. for a speed limit reduction to 40 mph on Tully Farms Rd. to Otisco Rd.

Councilmen Paul moved and Knapp seconded the motion to submit this request to the DOT. Motion passed unanimously.

Councilman Knapp noted Tully Farms Rd. to Otisco Rd. is not entirely in

the Town of LaFayette.

Supervisor Scammell asked Mary Jo to contact Lorenda Brown to let her know she must make the same request to the other town that part of Tully Farms Rd. is in.

REPORTS:

JUSTICE – Malcolm Knapp/ Maureen Perrin, Town Justices

A written report was submitted for the month of April. \$15,917 was turned over to the town. There were 260 cases.

TOWN CLERK – Mary Jo Kelly

A written report for April was submitted.

TOWN SUPERVISOR – Gregory Scammell, Supervisor

A written report for April was submitted.

COMMUNICATION AND TECHNOLOGY COMMITTEE

An email was received from Mike Forte regarding the website.

Marshall Taylor said we should design our website the way we want it.

Councilman Paul asked about the research on digital towpath.

Supervisor Scammell said he would like to take the summer to look into it further. He will advise Mike that we are evaluating our website at this time.

EMERGENCY RESPONSE

Councilman Bailey is hoping to have some defibrillators soon.

Supervisor Scammell asked if there is still interest in reviewing the purchasing of pagers, etc. under the emergency response plan.

Councilman Paul said if you have 2-3 guys with cell phones, that is really where the communication will be.

Councilman Bailey said looking at a prolonged situation and if there's a state of emergency, there will be all kinds of aid coming in. The ideal suggestion would be to go out and get Nextel walkie-talkie equipment at that time rather than to have them on hand because we have to tailor our needs to the crises. If we have something in storage it might become obsolete, and could be problematic. Once the situation occurs, you can lease the communication equipment for a short-term. He doesn't think in the last couple of emergencies, communication has been a problem.

Councilman Paul asked if there are extra radios at the LaFayette Fire Dept.

Leon Cook said they have portable ones for the fire police and there are some portable 2-way radios.

Councilman Paul said maybe we could talk to them.

Leon thinks Councilman Bailey's idea is a good one.

Councilman Bailey said you could talk to someone at one of these companies to see if in the event of an emergency they could provide us the

equipment needed.

Marshall Taylor said if we loose power, we would loose the radio communication.

Councilman Bailey said whatever the disaster is, we will have to tailor around it. If the situation is that the cell phone use is out, then we go to another plan.

Marshall Taylor said you could purchase walkie-talkies that can be used up to 7 miles in range and keep them charged in case of an emergency.

Councilman Paul said everyone probably wouldn't be able to be contacted right away. He would recommend getting people from various areas in the town and they could report within their neighborhood in case of an emergency. It would be a phone tree type situation. If the phone lines are down, this wouldn't work.

Marshall Taylor asked if there was an emergency, who in the town has the say?

Mary Jo said it is set up in our Emergency Plan. The first one to be contacted is the Supervisor.

Supervisor Scammell said it would be beneficial to know the type of radio we would require so in the event of an emergency we could immediately get what is needed. He asked about the joint meeting between the town and school Is there still an interest in this?

Councilman Knapp said he would just like to be sure the school and town don't contradict themselves.

Councilwoman Smith will contact the school to see if she can get a copy of their emergency plan.

EMPLOYEE POLICIES & BENEFITS

- Update employee handbook (sick time).

Councilman Knapp moved and Councilwoman Smith seconded the motion to adopt the following resolution:

BE IT RESOLVED: that the Town Board of the Town of LaFayette does hereby elect to provide the additional pension benefits of Section 41(j) of the Retirement and Social Security Law, as presently or hereafter amended.

BE IT FURTHER RESOLVED: that the effective date of such shall be the 31st day of May 2003.

ALLOWANCE FOR UNUSED SICK LEAVE

Subdivision (j) of Section 41 of the Retirement and Social Security Law allows a participating employer to elect to provide additional service credit toward retirement for its employees who are entitled to accumulate sick leave.

This benefit applies to all tiers of membership.

The additional service credit is available only for those members who are included in a plan established by law, rule, regulation, written

order or written policy that provides for the regular earning and accumulation of sick leave.

The maximum additional service credit allowed under subdivision (j) is one hundred sixty-five (165) days. The additional service credit is applied on a workday basis (260 days = one year).

Members who receive a cash payment based on their accumulated sick leave at retirement are not eligible for the additional service credit. Payments for unused sick leave cannot be considered in the calculation of a member's final average salary.

To provide this benefit, the employer must file a resolution with the Retirement System attesting to the election of this benefit, for its employees who are members of the Retirement System.

Voting on the above resolution was as follows:

Supervisor Scammell	Aye
Councilman Paul	Aye
Councilwoman Smith	Aye
Councilman Knapp	Aye
Councilman Bailey	Aye

Motion passed unanimously.

HIGHWAY COMMITTEE

Councilman Knapp asked how the cleanup days went.

Leon Cook said it's still going on. He thinks they have 3 more loads of stuff that must go to the county. They have a big pile of metal they must get hauled away. He has a truck with an oil seal leak. The machine they load the stuff with has one air compressor not working. The loader had a problem at the end of the day Saturday. A leg from a table went through one of the tires so he had to have a new tire put on.

Councilman Knapp asked how much stuff was brought over compared to last year.

Leon Cook thinks we have more than last year. He will give a full report at the next meeting.

Mary Jo said Cliff Parker dropped off \$997.00 collected for tires.

Councilman Paul asked how we check to make sure the people using the dump are from LaFayette.

Leon Cook said they make sure they either show their drivers license or deed. Cliff checks anyone he doesn't know. There are people that don't live in LaFayette that have a LaFayette address so Cliff has to ask them exactly where they live.

Councilman Knapp asked how the brush was coming.

Leon Cook said they will have a lot of brush to do when they are done with the cleanup. They have covered most all the roads 3 times already. The ice storm is what caused a lot of the brush pickup this year.

Councilman Paul asked how he made out with Rainer Brocke and the watering of the planters.

Leon Cook said he ordered a 26 gallon tank from Northern Equipment. This tank has a 12 volt pump on it with 12'-14' of hose and a nozzle. He put a bracket on the mower and before his man mows in the morning, he will water the flower boxes. There are 27 boxes and it takes less than 1 gallon per box so he should have enough.

SOTS & OCCRA LIAISON

Councilman Knapp said nothing has to be done with the local law on this at this time. Trash pickup seems to be going pretty smoothly.

PHYSICAL PLANT

- Roof/ceiling leaks

Supervisor Scammell said Scott indicated there might be a slight shifting in the flooring of the library. It looks like the floor may have sunk a little. It goes back from the front of the building and stops right below where the leakage is. He doesn't know if it's been like this for 3 years or not.

Councilman Paul recommended calling Bruce Bear who is a mason and lives on Apulia Road to look at it. He will contact Bruce.

Supervisor Scammell believes we should check into it. Scott wondered if this could be what's causing the leaking. We are still looking at the side roof at the Community Center.

Councilman Knapp said Dale Walburger hasn't given him an estimate yet. He talked with Fred Groth about whether we will replace the siding on the back of the building and the cost of aluminum or vinyl siding.

- Community Center Cleanup

Leon Cook said they picked up everything they were supposed to. Councilwoman Smith said anything left goes in Regina's office.

- Recreation Director relocation.

Councilwoman Smith said Regina is still waiting for her desk. She just has to coordinate a time to get it.

- Bison/B&H A/C Contract.

Supervisor Scammell noted it's \$560 a year paid quarterly.

Councilmen Knapp moved and Bailey seconded the motion to renew the contract with Bison Heating in the amount of \$560 a year. Motion passed unanimously.

RECREATION AND YOUTH

Councilman Knapp said the Optimist Fishing Derby was held this past weekend. At the end they had a little dedication ceremony for the flag pole. They have a flag that flew over the capital. Dale Sweetland came and spoke. There was a gathering at the pavilion in the afternoon to celebrate 100 years of lacrosse. Both events went very well.

SAFETY

Leon Cook said he and Regina took water tests and samples of all the wells in LaFayette except for the Beach. When the water is turned on over there they will do that one. They should get the results back in 1 week. They have a safety meeting tomorrow night.

Councilwoman Smith said the ropes course was inspected on Saturday from top to bottom and everything passed. She asked if the Town Board would approve Brian Kenealy as another one of the facilitators. He's very knowledgeable and has about 10 years experience with rope courses.

Kevin Gilligan suggested he give a resume to the Town Board showing his experience, etc. and the Board can have everything ready by then.

Councilwoman Smith said that sounded good.

SENIOR TRANSPORTATION & HOUSING

- FISH

Supervisor Scammell said this is up and going and can be removed from the agenda.

- LCSD transportation for seniors for groceries, etc.
This can also be removed from the agenda.

SERVICE AWARDS

Councilman Paul said from the information they received it looks like they have lost \$56,000 in March and \$52,000 in April.

Supervisor Scammell said they paid out about \$7,000.

LITIGATION AND OTHER LEGAL MATTERS

WATSON V. TOWN OF LAFAYETTE

This will be discussed in Executive Session.

GROTH ROAD COMMUNICATIONS TOWER – AT & T

Kevin Gilligan reviewed the lease agreement for AT & T to co-locate on the town tower. They will pay approximately \$21,000 a year.

Councilmen Knapp moved and Paul seconded the motion

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the adoption of this resolution 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 resolution, with the result that the Town Board shall act as lead agency in this matter.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town proposed action is an unlisted action for purposes of environmental review (SEQR); and it is further

RESOLVED AND DETERMINED for purposes of SEQR this is a negative declaration as this is an addition to an existing tower. Motion passed unanimously.

TOWN BOARD RESOLUTION

TOWN OF LAFAYETTE SUBJECT TO PERMISSIVE REFERENDUM

MAY 12, 2003

The following resolution was offered by Councilman Knapp, seconded by Councilman Paul.

WHEREAS, the Town of LaFayette has been approached by Cellular Telephone Company, a New York Partnership d/b/a AT&T Wireless, with offices at 15 East Midland Avenue, Paramus, NJ 07652 with a request that the Town of LaFayette lease space on its Groth Road communications tower, together with ground space adjacent thereto for the installation of an equipment shed and equipment and access thereto, to AT&T for the purpose of AT&T using the Groth Road tower site in connection with AT&T's commercial mobile wireless communication service; and

WHEREAS, the Town Board and AT&T have reached a tentative lease agreement for said space on and near the Groth Road Tower that will suit the needs of AT&T; and

WHEREAS, the aforesaid space on and near the tower is excess space and is not needed by the Town for its own purposes and is surplus and available for this proposed purpose; and

WHEREAS, the Town could derive substantial long term financial return for AT&T's use of the aforementioned space, all to the benefit of the Town's taxpayers; and

WHEREAS, pursuant to Section 64-2 of the New York Town Law, such a lease agreement may be entered into by the Town, subject to a permissive referendum.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of LaFayette approves a lease between the Town and AT&T, for space on and near the Groth Road communications tower, in substantial accordance with the attached lease agreement form that has been negotiated for this purpose and authorizes the Supervisor to execute said lease and take any and all further action needed to give full force and effect to this approval; and it is further

RESOLVED, that appropriate notice of this action shall be posted and shall be published in the official Town newspaper; and it is further

RESOLVED, that this action be and the same is hereby subject to a

permissive referendum.

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

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

The foregoing Resolution was thereupon declared duly adopted.

DATED: May 12, 2003.

LAFAYETTE CENTRAL SCHOOL DISTRICT DRAINAGE

Supervisor Scammell advised he received a letter from the school stating they have rejected this so no improvements will be done.

UNFINISHED BUSINESS AND ACTIVE PROJECTS

LOCAL LAW 5 OF 2003 – PUBLIC ASSEMBLIES

Councilor’s Knapp moved and Paul seconded the motion to adopt the following Local Law 5 of 2003 regarding Public Assemblies:

**TOWN OF LAFAYETTE
LOCAL LAW 5-2003**

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”, as such law has been amended, is hereby further amended as follows:

So that Section 1.2 entitled “Assembly of Persons for Temporary Outdoor Entertainment” is amended to read, in its entirety, as follows:

“Section 1.2. Assembly of Persons for Temporary Outdoor Entertainment

This local law shall regulate the assembly of persons at temporary

outdoor public gatherings for the furnishing of entertainment or the amplification of music through electronic means whether recorded or live where two hundred fifty (250) or more persons are expected to congregate.”

And so that subsection A of Section 3.1 entitled “Penalties” is amended to read, in its entirety, as follows:

Section 3.1 Penalties

A. Any person who shall use, allow, let or permit to be used property for the assembly of persons in excess of two hundred fifty (250) for temporary outdoor entertainment or any person who shall cause the gathering, collecting or congregating of persons in excess of two hundred fifty (250) in public places for temporary outdoor entertainment without having a written permit in accordance with the provisions of this local law or any permittee who shall violate any of the terms or conditions of a permit issued pursuant to this local law shall be guilty of a violation of this local law.”

Section 2. Effective Date

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

Voting on the above was as follows:

Supervisor Scammell	Aye
Councilman Paul	Aye
Councilwoman Smith	Aye
Councilman Knapp	Aye
Councilman Bailey	Aye

Motion passed unanimously.

TOWN HOLIDAY LIGHTING

Councilman Knapp said he is waiting for Dr. MacDaniel to decide which poles he would like to use.

DELL BUSH STREAM NAMING

Councilman Knapp said he discussed this with Roy Dodge and Roy cannot find any information that this has ever been called by anything other than a creek.

Supervisor Scammell said he believes Anne Smith is moving forward with this.

NEW BUSINESS

Kevin Gilligan noted the Board received a copy of a letter from Ralph

Lamson regarding the Muraco building. We were contacted by Mr. Muraco last week regarding the demolition order we filed. They have asked if we will rescind this order. Ralph has given us his O.K. to rescind it.

Councilmen Paul moved and Knapp seconded the motion to adopt the following resolution:

**RESOLUTION
May 12, 2003
TOWN OF LAFAYETTE TOWN BOARD**

WHEREAS, by RESOLUTION/ORDER of May 10, 1999, this Board determined that the building at 5998 Route 20, located at the southeast corner of the intersection of NYS Route 20 and NYS Route 11 was unsafe and dangerous due to its condition; and

WHEREAS, this Board ordered that said building be repaired or demolished within 30 days in accordance with Section 6 of Local Law 1 of 1985; and

WHEREAS, this Board held a public hearing and completed procedures related to the unsafe building law regarding this structure; and

WHEREAS, the Town of LaFayette, prior to May 10, 1999 ordered that the building be vacated due to its unsafe condition; and

WHEREAS, at some time after May 10, 1999 the aforementioned Resolution/Order was recorded in the office of the Onondaga County Clerk in book 117 of Lis Pendens, at page 202&c; and

WHEREAS, at a point in time thereafter, this property was purchased by a new owner who has been working with the Town Codes Enforcement Officer to renovate and correct the defects in the structure that have previously existed; and

WHEREAS, this Board is convinced that the Resolution/Order to Repair or Demolish may now be removed, as significant steps have been taken to renovate and render this structure safe.

NOW, therefore, be it

RESOLVED AND DETERMINED, that the Resolution/Order of May 10, 1999 be and the same is rescinded, discharged and cancelled; and it is further

RESOLVED AND DETERMINED, that the Supervisor be authorized to take whatever steps are necessary to remove and discharge this Board's prior Resolution/Order of May 10, 1999.

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

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

The foregoing resolution was thereupon declared duly adopted.

Marshall said the septic tank is buried there and Mr. Muraco is having a difficult time with the DEC.

Supervisor Scammell asked Kevin Gilligan if he can think of anything the town can do to help.

Kevin Gilligan said he can only suggest the Town of LaFayette write a letter expressing it's interest and support of this project.

Supervisor Scammell asked Kevin to put a letter together on this.

It was recommended to have new pictures of the building submitted with the letter along with some pictures from before.

LOK N LOGS

Councilman Knapp said he spoke to them and was advised they have some internal things they are working on.

Councilmen Knapp moved and Paul seconded the motion for the Town Board to go into Executive Session to discuss pending litigation and to include the town attorney. Motion passed unanimously.

The Town Board went into Executive Session at 9:10 and Supervisor Scammell called the regular Town Board Meeting back to order at 10:30.

Councilman Knapp moved and Councilwoman Smith seconded the motion to audit and pay the following bills:

HIGHWAY FUND	# 8850 THRU # 8866
GENERAL FUND	# 8867 THRU # 8888
SPECIAL DISTRICT FUND	# 8889
TRUST & AGENCY FUND	# 8828 THRU # 8829 & # 8890

Motion passed unanimously.

Councilmen Knapp moved and Bailey seconded the motion to adjourn. Motion passed unanimously.

The Town Board Meeting adjourned at 10:31 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk