

Minutes of the Town Board Meeting held by the Town Board of the Town of LaFayette on July 14, 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, Councilor
Sandra Smith, Councilor
David Knapp, Councilor
Thomas Bailey, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Kevin Gilligan, Town Attorney
Marshall Taylor, Assessor/Clerk
Regina Reinschmidt, Rec. Coord.
Tom Chartrand, Bookkeeper
Bruce Freund, Sentinel Hgts. Rd.
Mr. Schwenn, Timothy Dr.
Mrs. Knoll, Timothy Dr.
Jon Rogers, D.C.O.
Sue Snavlin, Dep. D.C.O.
Cindy Heckerman, Sentinel Hgts. Rd.
Mr. & Mrs. Cromley, Route 11

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

COMMUNICATIONS:

Residents.

Mrs. Knoll and Mr. Schwenn were present to discuss speeding on Timothy Dr.

Mrs. Knoll said they live on Timothy Dr. They are concerned about the people driving in that area as there are no posted speed limit signs on Timothy Dr. or in that area. People are using it as a drag strip. They live in a relatively secluded area which they love. There are pets and little children in the area. They would like some form of posted speed limit and enforcement of it.

Mr. Schwenn said there are some warning signs but no speed limit signs.

Mrs. Knoll said it's all times of the night.

Leon Cook said there are no speed limit signs on any of the streets down there or on Gordon Cooper Dr. either. He would recommend they do like everyone else does and have the residents sign a petition requesting the speed limit signs. That is what we do with everyone else.

Mrs. Knoll said O.K.

Leon Cook said when we have a petition signed by everybody, it's easier to get the approval by the state.

Supervisor Scammell said the town doesn't actually control the speed limit.

Councilor Knapp said but the Board can refer it to the D.O.T. with a letter.

Leon Cook said if you are going to do it on Timothy Dr., you should do it on Roberts and the other adjoining streets.

Councilor Paul asked if she thought they were local people within their development.

Mrs. Knoll said some of them are. There are some teenagers in the neighborhood who use it as a drag strip.

Councilor Paul asked if it was all hours of the night.

Mrs. Knoll believes pretty much so.

Mr. Freund said he lives on Sentinel Hgts. Rd. When he first moved there the speed limit was 35 mph and then it dropped to 30 mph. The problem isn't the posted speed limit signs but enforcement. The section of Sentinel Hgts. Rd. where he lives is a racetrack for ATV's, cars, etc. You can't call the cops every time you see them racing.

Leon Cook said it would be better if they had everyone in the Q-Track sign the petition.

Councilor Bailey gave Mrs. Knoll the phone number of Capt. Bronstad of the Sheriff's Dept. so she could talk with him directly about the problem.

NYS Assemblywoman Joan Christensen: MERIT Plan.

"I thought that you might be interested to know that the Assembly Majority has recently proposed the Military Enhanced Recognition, Incentive, and Tribute (MERIT) Plan, which would provide New York's service men and women with a smooth peacetime transition, take care of their families and boost morale...."

Councilor Knapp asked the difference between this and the Patriot that Assemblyman Brown talked about.

Supervisor Scammell wasn't sure.

NYS Department of Public Service: Niagara Mohawk security deposits.

"Petition of Niagara Mohawk Power Corporation for Authorization to Request Security Deposits from Applicants for Residential Service, filed in C 25696..."

NYS Office of Real Property Services: Final Special Franchise Assessments.

"Certificate of Final Special Franchise Assessment..."

Supervisor Scammell noted the value of Niagara Mohawk property in LaFayette is \$4,093,200. AT&T is \$4,421. Verizon is \$1,558,724 and Time Warner is \$524,872.

United Way of Central New York: Executive Director resignation.

"Yesterday, at the monthly meeting of the United Way of Central New York's Executive Committee, Mark Wagner's letter of resignation as President was accepted..."

NYS Office of Parks, Recreation and Historic Preservation: 2003 SCORP.

"I am pleased to notify you that the complete version of the 2003 Statewide Comprehensive Outdoor Recreation Plan (SCORP) is now available on the Parks website..."

Tom Reilly, James P. Reagan Agency: Insurance saving tips.

“...Comply with recommendations from company engineers and loss control... Voluntarily take steps to eliminate hazardous conditions and create a safe environment any company would want to insure... Minimize your claims... Make sure any new equipment or buildings are installed or constructed in a manner desirable to the insurance company... Increase your deductibles and retain more risk-most companies look favorably upon clients with higher deductibles... Be sure your insurance is providing proper coverage amounts... Most importantly, keep me in the loop and on your “advisory team”...”

NYS Office of Real Property Assessments: 2002 Maintenance Aid Certificate.

“Section 1573 of the Real Property Tax Law authorizes payment of state monetary assistance to municipalities which maintain systems of improved real property tax administration that meet standards established by the State Board of Real Property Services. I am pleased to inform you that the Town of LaFayette has met those standards and is eligible for a Maintenance Aid payment based on the 2002 Final Assessment Roll... The COD calculated for your municipality is 14%, which satisfies the COD standard of 17%... Since your municipality completed a reassessment in the 1999 assessment roll, you are eligible for Maintenance Aid in the amount of \$2.00 per parcel...”

Supervisor Scammell said we should get about \$4,782 back.

Marshall Taylor said this is what they figured and it will be put towards the next reval. He said the recent reval was for the roll ending 2002.

Councilor Knapp asked what we did to get this.

Marshall Taylor said we kept the COD below 17%. For example, a house that sold for \$100,000 we assessed at \$87,000 which is below the 17% COD which would be \$83,000.

Office of the Onondaga County Legislature: 7.7.03 agenda.

“5th District – Mrs. Rapp... Modification to Agricultural District No. 4 by the addition of approximately 4.6 acres of land to said district in the Town of LaFayette...”

“Local Laws – A Local Law Amending the Local Law adopted June 2, 2003 and Amending Local Law No 22-02 to Abolish Admission Fees at Highland Forest and at Pratt’s Falls...”

Supervisor Scammell believes the vote for the Ag. District was 15 to 4.

CNY Business Journal: Think/shop locally.

“...While recognizing a few favorites in categories such as food and drink, and goods and services, I was struck by the lack of true Central New York companies represented on the list. To my surprise, for every Heid’s of Liverpool or Dinosaur Bar-B-Que, there were just as many Friendly’s or Starbucks. Now, mind you, I don’t think that there is anything inherently wrong with any of these national chains, but it seems this “Best Of” inventory did a disservice to its constituents by leaving out the locals. For all the talk of globalization that creeps into business today, the only real way communities can ensure their economic well-being is to stop chasing multi-national firms with no economic loyalties and instead, to start investing in community corporations. Most small

businesses generate a majority of their revenue locally and in the end, no matter how much people may work globally, they still live locally and depend on healthy, vibrant communities...”

Syracuse Post-Standard: CNY May, 2003 unemployment.

“...Except for the manufacturing sector, the local economy did pretty well last month. There were 3,000 more people employed in Cayuga, Madison, Onondaga and Oswego counties in May than there were in the same month last year...The area tied Binghamton for the greatest increase in jobs among the state’s metropolitan areas...The local area’s unemployment rate was 5.4 percent, unchanged from May 2002...The state’s jobless rate was 5.8 in May, down from 5.9...The nations’ jobless rate was also 5.8...”

Niagara Mohawk/National Grid: 10,000 Trees.

“...As a continuation of our program to help communities within the NM service territory replace trees lost or damaged in the storm events of ’98, this revised program will contribute a \$30/tree reimbursement to your community for approved utility compatible trees planted under overhead electric conductors...”

Syracuse University: Community Link Program.

“...Syracuse University’s Maxwell School is again offering to help you meet your research need. We will provide you with a student who will conduct a study requiring the collection and analysis of quantitative data...up to 80 hours...If you are interested in participating this fall, please fill out the enclosed project request form and return it to us by July 31...”

Supervisor Scammell said we have used them before and they have done a good job for us in the past.

Other. None.

SPECIAL REPORT: None.

REPORTS:

Departmental (4th Monday).

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

June Report submitted and Building Permit Report for April.

Supervisor Scammell said over the weekend he was driving down Apulia Rd. and saw a property that had several old cars parked on it. They are the same cars that are there every day and parked in the same spots. He thinks they might have old plates on them.

- **South Syracuse Motel – Route 20 W – planned demolition (1.27.03).**
- **Former lumber company office on Route 11 N – septic review.**

- **Junk vehicle status.**
 - a) **2954 Jamesville-Apulia Road.**
 - b) **3052 Sentinel Heights Road.**
 - c) **2774 LaFayette Road.**
 - d) **Behind former IGA & Nice & Easy.**
 - e) **4135 Apulia Road, Howard Reals.**

- **Webb Road certificate of occupancy needed?**

Mary Jo said a property owner from Webb Rd. came in and got an application for a variance for having more than one family residing on the property. She didn't know if this was the same person or not.

- **Trailer on Apulia Road just north of Bush Road.**
- **Use variance request, Cree property.**

Mary Jo advised they came before the Zoning Board and the Board told them they would have to request a use variance or zone change. They advised use variances are very difficult to get as you have to show hardship that is not self-created. The applicant advised they would talk to their attorney about the best route to take and get back to the Board. Nothing further has happened at this point.

Dog Control: Jon Rogers & Sue Snavlin.

- **Lake Country contact.**

Highway Superintendent: Leon Cook.

- **SPDES.**

Justice: Malcolm Knapp & Maureen Perrin.

April, May and June reports submitted.

Supervisor Scammell noted there were 245 cases heard in June with a revenue of \$17,965. There were 318 cases heard in May with a revenue of \$24,480.

A request from the Justice Dept. was received as follows:

“Please be advised that Hon. Maureen Perrin, Eva palmer and Kim Amidon wish to attend the 2003 Magistrates Association Conference in Saratoga Springs. If our request is granted, we have to send a Town check in order to be tax-exempt. We are attaching a copy of the registration form showing the room rates and procedure that has to be followed. We would need a check for \$1,617.97 to reserve our rooms and we

would also ask for an advance of \$400.00 per person, to cover meals, parking, tolls, etc. We thank you for your consideration in this matter....”

Councilor’s Paul moved and Knapp seconded the motion to authorize advance payment of \$400.00 to Maureen Perrin, Eva Palmer and Kim Amidon to attend the NYS Magistrates & NYS Magistrates Court Clerks Assoc. Conference. Motion passed unanimously.

Library Director: Scott Kushner.

April report was submitted.

Recreation Director: Regina Reinschmidt.

Regina said they have a little bit of baseball still going on for 13-15 year old boys. They did not have enough girls for a LaFayette team and the league didn’t have enough for this division either. We have 4 high school boys playing baseball in the Jamesville-DeWitt League. League lacrosse is in full swing. There is instructional for both 1st thru 4th grade girls and boys. Fred Groth replaced some of the panels at the box lacrosse.

Councilor Knapp asked if she is going to have the lifeguards paint them.

Regina said they will try if they get a chance. They had 5 lacrosse teams this year. There were 3 boys teams and 2 girls teams for grades 3 through 8. They are hosting 12 home night games this month. The Beach is operating. They have 5 lifeguards on staff. 3 are returning LaFayette residents from last year. They hired a new one from LaFayette and a head lifeguard from S.U. Swimming classes are currently going on.

Councilor Knapp asked if there is water for drinking there now.

Regina said the water is on. She and Leon Cook took the water test today and she delivered it so in a few days they should hear back about it.

Councilor Knapp said once it comes back O.K., they can use that water for drinking.

Regina said the ramp is still slippery. The guards are recommending water shoes until they can install more material to help. They are looking into an algaecide which might result in them having to close the pool for a day. It would kill the algae but the gentleman they spoke with couldn’t guarantee it will keep the algae down if there is a strand of hot days. The material they put down to help with the slipperiness is called dry deck and it’s pretty expensive.

Supervisor Scammell said it is incredibly slippery there.

Regina said it has to be dry to install the dry deck which is why they can’t install it now. The bottom is breaking up a little and some of the screws holding it down are starting to come loose. The mat itself is holding up well.

Leon Cook said he met a man from the Health Dept. over there regarding the mosquito problem. The man looked over the whole area and couldn’t find anything. The whole time they were there, they didn’t see a mosquito. The man didn’t think there was any problem with them. They spoke to the lifeguard who said there was a problem. The man asked her what time of the day they presented the worst problem. She said when the sun is out and it’s really hot. The man asked her if she was sure they were mosquitoes

and not deerflies. She didn't know. The man from the Health Dept. believes that's what they are.

Regina said she has never seen any mosquitoes over there.

Councilor Smith said there has been some vandalism there.

Regina said on July 3rd in the evening there was some but nothing that couldn't be fixed. Someone threw the lifeguard chair in the water, tipped over the port-a-john and broke off the water pipe. Luckily there was nothing structurally damaged.

Councilor Smith said she has been stopping in over there periodically. She told the lifeguards if something like that happens again, to file a report with the Sheriff's Dept. or the State Troopers so there is a record of it.

Regina said Dave Baker is back. Some of the coaches came forward in his absence and they were able to maintain the field lines. Alfie Klaiber has been mowing the Apple Festival fields that they have been using for lacrosse. He has volunteered in the past to do the mowing but this year Community Council felt he should be paid.

Councilor Knapp said it sounds like they are going to expand that a little more.

Regina said the track program is currently running. They have about 15 kids in grades K thru 8. They had instructional T-Ball this year which ran very well. They had about 10 kids this year and Councilor Knapp was the coach.

Town Clerk: Mary Jo Kelly.

June report was submitted.

Councilor's Knapp moved and Bailey seconded the motion to accept the Town Clerk Report. Motion passed unanimously.

Town Supervisor: Greg Scammell.

June report was submitted.

Councilor's Knapp moved and Smith seconded the motion to accept the Supervisor's Report. Motion passed unanimously.

Committee (2nd Monday).

Communications & Technology.

- **Digital Towpath – Demo & Testing to resume in the summer.**

Supervisor Scammell said he is still working on this. Our current website is up-to-date. There were 213 visits to the site last month.

Emergency Response.

- **Tully Ambulance District response.**

This can be removed from the agenda.

- **Defibrillators.**

Councilor Bailey said he is waiting on some communication back from Congressman Walsh's office and Senator DeFrancisco's Office. With the summer session it may take longer than he had anticipated.

- **Annual Review of Disaster Preparedness Plan – Backup communication system options.**

Supervisor Scammell asked the Town Board to give Mary Jo their cell phone number's in case of an emergency.

- **Joint review of Plan by town, & school.**

Supervisor Scammell said Councilor Smith gave him a copy of the school's plan if anyone would like to see it.

Councilor Knapp asked if there was anywhere we could consolidate services.

Councilor Smith said theirs is very extensive.

Councilor Knapp believes we should keep a copy of their plan on file.

Councilor Smith said we should give them a copy of ours too.

The Board would like a copy of their plan.

Employee Policies & Benefits.

- a) **Update employee handbook (sick time).**

This has been updated.

Marshall Taylor said when he took the job as Clerk, it was a 24 hour a week job with vacation and benefits. When the handbook was updated, he thought he grandfathered in any changes which he found out is not the case. He will increase his hours to 32 hours a week at the beginning of September to qualify for vacation time.

- b) **Employee Medical Plan contributions.**

- **\$9,637/year X 1% = \$96.37/year = \$3.71/pay period (currently \$2/month).**

- **Most recent town monthly OCEBA cost - \$12,339.**

Supervisor Scammell said this is the town's monthly medical cost for the employees. This is about \$15,000 a year which he feels is a sizeable benefit the Town is providing.

- **Average workers contribution rose from \$52/month in 1988 to \$174/month in 2002.**

“According to the Bureau of Labor Statistics, Americans' average annual out-of-pocket expenses for health care rose 26% between 1995 and 2001, to \$2,182. The Kaiser Family Foundation, a nonpartisan research group based in Menlo Park, Calif., that tracks healthcare spending, says that workers' average monthly contribution to premiums for family coverage alone more than tripled to \$174 from \$52 between 1988 and 2002...”

- **Copays rose from \$16 to \$26/month.**

“...Copays for brand-name drugs that have generic equivalents jumped 62% to \$26 last year from \$16 in 2000, while generics rose to an average of \$9 from \$8, Kaiser says...”

- c) **NYS Disability Insurance. ~\$4/month – males, \$8/month – females.**
Review at budget time.

Environmental & Conservation Advisory Board.

Highway – Leon Cook, Highway Superintendent

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

Leon said they are keeping up with the parks being mowed. They have a guy mowing roadsides. The planters on the corners are taking quite a bit of watering.

Councilor Knapp asked how many times they have been watered.

Leon said a bunch of times.

Councilor Knapp asked how the pump is working.

Leon said real good.

Councilor Knapp asked if he can water them all with 1 tank.

Leon said yes. So far this year they have oiled, stoned and sealed 6.21 miles of road.

Councilor Knapp asked how much more they have to do.

Leon said they have a lot of short pieces and some patching to do. All together they had 7 ½ miles proposed in the budget. If he can see his way clear, he has almost 3 more miles he needs to do work on. Last winter was real bad. If you don't take care of the cracks in the roads now, next year they will be breaking up. BOCES is not doing the alcohol testing anymore. He called another company and they are going to do it and at a cheaper price of \$32/person. They will randomly be checking employees. They are supposed to send him notification of who will be tested to be sure the employee will be present. He knows the date but can't tell the employees. On the two 10-wheelers, he had to get them recertified for carrying capacity. They had a 10-wheeler coming back on Route 81 and some kids through some stones at it and broke the windshield. He called 911. It was over 2 hours before an officer came out because it was a nonemergency call. The insurance is \$500 deductible and the windshield can be installed for \$250. He isn't even going to turn this in to the insurance company as it won't help us and it will just raise our rates. Regarding the stormwater runoff, he talked to John Dunkle and in order to get two different sets of plans, it will run around \$6,000. John got a letter from the county and they want to work together with the towns on getting some of this stuff done. John advised Leon to hold off until we find out if the county is going to pick up some of the cost. We aren't doing anything further right now. He wants to install a stop sign at the intersection of Colton Rd. and O'Connell Rd. He had a complaint. There is a hill on O'Connell Rd. and we don't have the 550' sight distance which is required due to the 55 mph speed limit. We either have to lower the speed limit to 30 mph which would be impossible to get or we need to put a stop sign up along with a stop ahead sign.

Councilor Knapp asked if this would be coming up or going down the hill.

Leon said coming down the hill. It will be a 2-way stop. John Dunkle recommended that we put the stop sign up.

Councilor Knapp asked if this had to go through the county or state.

Leon said no, he just needs Town Board authorization.

Councilor Bailey feels if you have the engineer's recommendation to do this, we should do it.

Kevin Gilligan said to be sure to state exactly where it will be placed.

Councilor's Knapp moved and Bailey seconded the motion to authorize the Highway Superintendent to install a stop sign on Colton Rd. coming west at the intersection of O'Connell Road on the north end of O'Connell Rd. Motion passed unanimously.

Leon said on the ice storm we had, he thinks as of today he got the last of the paperwork done for FEMA. He signed 27 different pieces of paper. Today he had to get a land release. They will not pay for straight time. They will pay for equipment and for time and a half. He came up with a figure of \$24,992. We will probably get \$21,743 because they take 18% off the total. He figured it cost the town \$48,000 for fuel, etc. This is better than nothing. If he hadn't kept all the records, we wouldn't be getting anything back.

Councilor Knapp asked if everything was submitted.

Leon said yes.

Supervisor Scammell thanked him for being so conscientious.

Councilor Paul asked about the glass coverage. He wondered if most people don't have separate glass coverage on their insurance policies.

Leon said our insurances doesn't name it separate. We got the cheapest policy we could get but we are covered on all major things. A lot of towns have \$1,000 deductible.

Councilor Paul asked what will happen with the no smoking policy regarding the trucks.

Leon said he got a copy of the letter from Mary Jo and he passed it out to all the guys and he told them about it.

Councilor Knapp asked about the new truck.

Leon said it will be another week or two. We will be making a payment on the 2001 plow truck. He dated the voucher for next month. Tom Chartrand will hold it and not pay it until next month.

Supervisor Scammell asked if the payment of a \$2,000 fine for violation of the no smoking policy is against the employer or the employee.

Kevin believes it's against the employer.

Jon Rogers said it is against the employer.

Kevin Gilligan said it's the municipalities job to make sure the law isn't violated.

Councilor Knapp asked who the policeman is.

Jon Rogers said Onondaga County. Someone would complain to them and someone from the Health Dept. might come out and take a look.

Supervisor Scammell said it states we must also post "No Smoking" signs in the area.

Kevin Gilligan suggested stating "This is a Nonsmoking Building".

Sue Snavlin said if someone smokes and the town is responsible for the \$2,000 fine, what's to stop them from smoking again?

The Board decided this will need to be looked into. It was decided "No Smoking" signs need to be placed at the park bathrooms. Mary Jo will talk to Herb Salladin about this.

Councilor Paul asked if this should be an addendum to the handbook.

Kevin Gilligan will check into this.

Physical Plant.

- **Roof/ceiling leaks: Library (repair) & Community center (new side roof estimate - \$4,200+), new siding or repair old siding?**

Councilor Knapp said he talked to Mr. Cavallo about painting the building and he is going to stop down to check it out and give an estimate.

- **Evaluate flooring shift.**

This is still in process.

- **Library air conditioning.**

Supervisor Scammell said we had a problem this week with the air conditioning to the library. The condenser is going on the air conditioner. There is also a problem with the fan on the unit servicing the Justice Dept. He believes it was just under \$15,000 to fix the problem.

Councilor's Paul moved and Knapp seconded the motion to allow up to \$15,000 to fix the condenser for the air conditioning unit for the library and the fan for the unit servicing the Justice Dept. Motion passed unanimously.

He received the following letter from Bison Heating & Cooling, Inc. regarding the repairs:

“When servicing your equipment on July 9, 2003, it was found that the compressor on the Intercity Heat Pump (Unit 4) that serves the south library area has failed. Being that a new compressor with the associated labor would cost as much as a replacement outdoor unit, therefore, we offer our quotation as the following:

Bison Heating & Cooling will replace this Heat Pump for \$1,388...Bison Heating & Cooling will be responsible for the reclaiming of refrigerant, removing and disposing of the existing unit, to provide & install the replacement outdoor unit, the electrical and piping connections to the existing lines, charging of any refrigerant, and the start-up and test run of the equipment.

Additionally, it was discovered that the Intercity Heat Pump (Unit 1) that serves the Justice Department was operating noisily. Further inspection found that the condenser fan support frame is deteriorated, causing the fan blade to wobble/scrape when in operation; therefore, we also offer the additional quotation as the following:

Bison Heating & Cooling will replace the damaged fan blade for \$295.00...Bison Heating & Cooling will be responsible for the removal of the damaged fan blade, make repairs to condenser fan support frame utilizing as many salvageable parts from Unit 4, to provide and install a new fan blade, and the start-up and test run of the equipment...”

Councilor's Knapp moved and Paul seconded the motion to amend the above motion to a total of \$1,683.00 for repairs. Motion passed unanimously.

Recreation & Youth.

- a) **Bailey Park.**

b) LaFayette Beach.

Supervisor Scammell said he picked up some dead crows over there this week. He believes they were dead too long to be tested.

Councilor Smith said the well and tank have been installed at the Beach and the piping was brought up to meet health Dept. standards. She has forwarded the plans to Mike Cook so they can be sent to the County Health Dept. for approval.

- **New facilities.**
- **Survey/transfer LaFayette Beach from LCC to town.**

c) Stafford Park.

Councilor Knapp said Fred Groth has been doing some work there. He was replacing a lock and had to look at some of the electrical work there. There weren't any GFI's so he is going to install them. He has also put a light switch in the pavilion so folks can turn the lights on and off there and not have to have access to the storage room to do it.

Safety.

Councilor Smith said they did an inspection at the Community Center which went pretty well. There were a couple of minor concerns that will be taken care of. She asked if they had training at the Highway Dept. yet.

Leon Cook said they have an inspection scheduled for tomorrow and they have a date set up for the training. They have a Safety Meeting tomorrow night.

Senior Transportation & Housing.**Service Awards.****SOTS/OCCRA Liaison.****Water.**

- **U.S. Army Corps of Engineers/Jamesville Reservoir.**

Supervisor Scammell said he attended a meeting with the U.S. Army Corps regarding cleanup of the reservoir. Congressman Walsh has allocated \$12,000 in seed money to study the reservoir and see what can be done to clean it up. The southern end is starting to silt in. They are looking at ways to remediate the mud, etc.

Zoning Review.

- **Digitized zoning map.**
- **Industrial zones to business zones update.**

- **Misc. review: Communications/Cell Towers & Private (single horse) horse stables.**

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. 6 of 2003, “A Local Law Extending the Moratorium on Applications for and actions on Special 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 June 9, 2003; and

WHEREAS, the SEQR review for this action was completed at this Board’s June 9, 2003 meeting the Board having determined this to be a Type II action; and

WHEREAS, a public hearing was held on such proposed local law on this 14th day of July, 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. 6 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. 6 of 2003 as Local Law No. 6 of 2003 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW NO. 6-2003**

**A LOCAL LAW EXTENDING THE MORATORIUM ON
APPLICATIONS FOR AND ACTIONS ON SPECIAL 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. The moratorium on special permits relating to nonconforming uses in the Town of LaFayette, originally enacted as Local Law No. 3-2003, is hereby extended for an additional three (3) months, until October 27, 2003 or until the Town of LaFayette enacts new legislation regulating such uses, whichever shall first occur.

Section 2. This local law shall take effect immediately.

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

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

The foregoing Resolution was thereupon declared duly adopted.

Litigation & other Legal Matters.

Watson v. Town of LaFayette.

- Appeal filed.

Groth Road Communications Tower – AT & T, permissive referendum.

- **Memo from K. G. re: Insurance Certificate.**

Kevin said we are still looking for insurance certification of contractor, etc. Their certificate doesn't comply with the terms of the lease.

Mr. Muraco's project at the four corners.

Supervisor Scammell said he and Councilor Knapp met with Assemblyman Brown and a representative from the DEC to discuss this a couple of weeks ago and they will be meeting again shortly and hopefully will get this moving forward.

Lok-N-Logs & Bierman property zone change.

- **Ordinance amending Lok'n Logs Property.**

Councilwoman Smith moved to reschedule public hearing for the Lok'n Logs Zone Change request for August 11, 2003 at 6:30 p.m. or as soon thereafter as it can be had. The motion seconded by Councilman Knapp. Motion passed unanimously.

- **Intro for Cromley zone change request.**

Councilor Knapp introduced a proposed Ordinance and made the following motion, which was seconded by Supervisor Scammell.

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 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, THEREFOR, it is

RESOLVED AND DETERMINED, that the Town Planning Board is an involved agency, that this Board shall act as lead agency and that the proposed

action is an unlisted action for purpose of environmental review (SEQR); and it is further

RESOLVED AND DETERMINED, that a lead agency notice be sent to the Town Planning Board in accordance with provisions of NYCRR Section 617; and it is further

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

ORDINANCE

Town of LaFayette

An Ordinance Amending Section “C” of the 1970 Zoning Ordinance of the Town of LaFayette to Amend the Town of LaFayette, 2000 Zoning Map to Change the Zoning Classification of Certain Specified Property from Agricultural Residential (A-R) to Business (B).

Be it Ordained, that the 1970 Zoning Ordinance of the Town of LaFayette is hereby amended to amend the Town of LaFayette, 2000 Zoning Map, changing the zoning classification of the property described in the attached schedule “A” from (A-R) to Business (B).

Effective Date. This Ordinance shall take effect as provided in Section 265 of the New York Town Law; and it is further

RESOLVED, that this matter be referred to the Onondaga County Planning Agency pursuant to New York General Municipal Law , Section 239; 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 August 11, 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.

SCHEDULE “A”

**3033 ROUTE 11 NORTH
TOWN OF LAFAYETTE**

ALL THAT TRACT OR PARCEL OF LAND situate in the town of LaFayette, County of Onondaga and State of New York, being part of Lot No. 23 of the tract purchased by the State of New York from the Onondaga Indians in the year 1817 in said Town, bounded and described as follows:

Commencing in the center of the highway known as U.S. Route 11 at the northeast corner of premises conveyed by Richard P. Groth and Virginia Groth, his wife, to Robert L. Funda and Doris Funda, his wife, by deed dated may 2, 1996 and recorded in the Onondaga County Clerk’s Office on may 3, 1966 in Book 2297 of Deeds at Page 628, and running thence southerly along the center line of said highway a distance of 150 feet to the southeast corner of premises conveyed by the above mentioned deed and also the southeast corner of premises conveyed by Eleanor L. Groth and Richard P. Groth to Robert L. Funda and Doris E. Funda, his

wife, by deed dated November 31, 1975 and recorded in said Clerk’s Office on March 3, 1976 in book 2575 of Deeds at Page 301; thence running North 82degrees 45’ 15” West a distance of 655.92 feet to the east line of the right of way of Interstate Route 81; thence running North 3 degrees 54’ 4” West along said east line a distance of 180 feet to a concrete monument, which monument is located on the north line of premises conveyed to said Robert L. Funda and Doris E. Funda, his wife, by the last mentioned deed, said north line also being the north line of the south one-half of said Lot no. 23; running thence South 80 degrees 17’ 2” East along said north line a distance of 666.25 feet to the center line of said U.S. Route 11 and the place of beginning, and being the same premises conveyed to said Rober L. Funda an Doris E. Funda, his wife, by the two deeds which are mentioned 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:

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

The foregoing resolution was thereupon declared duly adopted.

Councilor Knapp confirmed a notice would go out to the neighbors. This would be just for a zone change and not for the kennel.

Resident query: Noise ordinances/disturbing the peace, etc.

Supervisor Scammell said the Board has discussed having a noise ordinance before and has opted against it due to the difficulty in establishing a threshold. If there isn’t a noise ordinance established, is there something under “disturbing the peace”?

Kevin Gilligan said he researched this and there’s no county law. There is a disorderly conduct law which is a state law. A person is guilty of disorderly conduct if the intent is to cause a public inconvenience, annoyance or alarm or is recklessly creating a risk thereof.

Supervisor Scammell asked if anyone can enforce this.

Kevin Gilligan said they would simply call the law enforcement agency. He believes it would have to be a pretty extreme circumstance for a law enforcement officer to cite someone for making noise. Enforcement for noise is usually because of a local ordinance regarding noise. There is normally a different standard for daytime and nighttime. If you have a noise ordinance on the books, you need to have someone who can run out with a meter and check the noise level. The Town of Onondaga has one and so does DeWitt.

Supervisor Scammell asked if it helps to have one on the books for law enforcement.

Kevin Gilligan said yes. He recommends you do an exception for folks having mass gathering permits and you should state what noise level they cannot exceed on their permits. The difficult part has always been enforcement. He would guess if we had a noise ordinance, the Sheriff’s Dept. would enforce it where it was necessary. It gives them something to fall back on. He is guessing the police officer would feel like he was more on solid ground if we had a noise ordinance. A local noise ordinance can be enforced by the local Code Enforcement Officer as well as law enforcement.

It was decided Kevin Gilligan would work up a sample noise ordinance for the Board to review.

Councilor Knapp asked if Tully, Fabius or Pompey have one.

Kevin Gilligan didn't think so.

Mr. Freund said he is one of the resident's who complained about an unruly neighbor. He explained the problems they have had in their area. One instance the neighbor was letting off fireworks and he called the police who came out. No tickets were issued. He called them to see why they didn't issue any and he was told the officer got them to stop. He asked twice why no tickets were issued regarding the fireworks. He spoke with Capt. Bronstad and another officer. He was advised to continue to call. In the second conversation he had with Capt. Bronstad, he was advised one problem they have is that the Town of LaFayette doesn't have a noise ordinance for them to enforce. Anything the Board can do he is quite sure would be appreciated by his wife and himself as well as the other people in his area.

Jon Rogers asked about a nuisance ordinance.

Clean Indoor Air Law.

This was distributed to all the employees.

Noise Ordinance & Disturbing the Peace.

This was discussed earlier.

UNFINISHED BUSINESS & ACTRIVE PROJECTS:

Town of LaFayette urn & tile display case.

Supervisor Scammell said this is still underway.

Time-Warner Cable TV franchise renewal.

- **Senior citizen discounts.**

Supervisor Scammell said the person who inquired about this knew someone in Cortland. The person they knew was part of an old franchise which will be discontinued.

Town holiday lighting.

Alternate ZBA and Planning Board member appointments.

Dell Bush stream naming.

Supervisor Scammell said this is now at the federal level for approval. Speed limit reduction request for Tully Farms Road.

We haven't heard anything back from the D.O.T. yet.

Cram Communications, WVOA-AM towers.

- **Onondaga Nation contact.**

Councilor Knapp asked Kevin Gilligan if he had contacted the Onondaga

Nation's attorney about this.

Kevin Gilligan said not yet. He asked if there was an alternative contact. Supervisor Scammell will find out the Chiefs to contact about this.

- **Temporary tower.**

Kevin Gilligan said we will have to do a SEQR for this.

Supervisor Scammell said the town attorney received the following letter from the town engineer re: Sunset Hills Subdivision, North Road. “..Please be advised that we have reviewed and photo documented the most recent grading and drainage work on the above referenced subdivision.. In our opinion, the system of swales, driveway culverts, and low areas that are now in place will provide an adequate means of conveying the North Rd. culvert discharge across Lots A-D. The as-built site plan prepared by PLS Engineering dated July 2003, accurately represents the current conditions. It will be the responsibility of the four property owners to maintain these or similar conditions of storm water conveyance, since this is a private drainage system. When Lot D is developed, the driveway culvert and lot grading should be reviewed....”

Kevin Gilligan said the Town Board would have to take action if they wish to lift the restrictions on Lot D.

Councilor's Knapp moved and Bailey seconded the motion to accept the plan as prepared by PLS Engineering dated July 2003 as built in accordance with the recommendations of John Dunkle in his letter of July 14, 2003 and authorize the issuance of building permits if applied for. Motion passed unanimously.

Councilor Bailey asked about next spring if the conditions continue to create drainage problems.

Kevin Gilligan said it would be an unanticipated problem. John Dunkle is looking at what could be rather than what is. There is nothing we can do on that after the building permit is issued. He doesn't think you could hold this up for a year. Unless you take an easement, there is nothing you can do. The county doesn't want an easement and neither does the town. The 4 lot owners should have covenants among themselves for drainage.

Councilor Bailey asked if it becomes a town problem if a drainage issue arises in March or April.

Kevin Gilligan doesn't think anyone would say the town would have to take a drainage easement on a county road. The county should be taking care of this issue.

Councilor Smith asked who's responsibility it is to let the property owners know they have to maintain the drainage themselves.

Kevin Gilligan said this letter from John Dunkle is just a draft. John will be contacting the property owners. He will be sending us more detailed information by the next meeting. He thinks it would be in the town's interest to send the plans, etc. to the property owners and to the county putting them on notice.

NEW BUSINESS:

Request for pole light at Ortloff and Route 20.

Supervisor Scammell said he spoke with Niagara Mohawk today about a light request

on the corner of the Ortloff Rd. and Route 20 intersection.

Other.

Councilor Knapp said he had a resident call him inquiring about the latest on the wild dog situation.

Sue Snavlin said there have been no sightings at all.

John Rogers said Mr. Brodt could be arrested for what he did. He nor anyone else has the right to shoot a dog in the Town of LaFayette.

Sue Snavlin said he wasn't being attacked. He went out seeking the dog. They picked up one of the dogs in Bernie Aungier's barn so there is only one left.

Councilor Knapp asked what would happen to the dog at Lake Country.

Sue Snavlin said they will try to adopt him out. He is really a nice dog.

Jon Rogers believes both the dogs were probably dropped off.

Sue said the bottom line is we don't want the residents of LaFayette shooting dogs unless they are being attacked.

Jon Rogers said the law says you can use whatever means necessary to protect yourself or your livestock.

Sue Snavlin said she reviewed the voucher from Tully and indicated what portions should not be paid by the town.

John Rogers asked Leon Cook who is responsible for house numbers.

Leon Cook said the Highway Dept.

Jon Rogers asked who is responsible for making sure the numbers are on the house.

Leon Cook said it's up to the homeowner.

Jon said he found many of the residents don't have the numbers visible on their houses.

Leon Cook said they have no way of enforcing folks to have their addresses visible. The way the house numbers are, it would be pretty hard to determine the house number if you knew the number of the house next door. The county 911 is what came up with this program.

Councilor Knapp said we might want to do a reminder in the next LaFayette Newsletter.

Sue Snavlin said she has been having an ongoing problem with a family in Cardiff. They have a dog which has had her 3rd litter of puppies in the last 3 years. Sue has stopped at least 4 times to talk to the owner to see if there was a way they could help with the cost of spaying. Over the 4th of July weekend the owner went away for 3 days and several of the puppies died. The SPCA came and took one of the dogs but left the mother and the remaining puppies.

Councilor Knapp asked if they issued tickets.

Sue said no.

Kevin Gilligan asked if they could contact the Humane Association.

Sue said they did contact Cruelty to Animals. They still left a dog with 3 puppies and issued no tickets. She said the dog isn't licensed. Legally, she could go on the premises and take the dog knowing it's unlicensed.

Kevin Gilligan said if you are in a situation where you think animal cruelty is going on, he would contact the appropriate agencies immediately. In the meantime, he would issue a ticket for the unlicensed dogs.

Supervisor Scammell asked who funds Animal Cruelty.

Sue said the county. They said it takes them awhile to answer complaints because they are so overworked.

Councilor Bailey asked if certain conditions existed that the Town could refuse to issue a license.

Kevin Gilligan doesn't believe so as it's covered by the Ag. & Markets Law.

Sue said when you are continually picking up a certain persons dog, it seems that person should be responsible for the mileage. This would only be for perpetual offenders.

Kevin Gilligan asked if they issue tickets to these people.

Sue said no.

Kevin Gilligan said a judge could mandate the owner to pay mileage.

Councilor's Knapp moved and Bailey seconded the motion for the Town Board to go into Executive Session to discuss litigation and a personnel matter. Motion passed unanimously.

The Town Board went into Executive Session at 9:01 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 10:52 p.m.

There were no suggestions for improvement & positive contributions.

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

HIGHWAY FUND	# 9135 THRU 9152
GENERAL FUND	# 9134, 9153 THRU 9207
TRUST AND AGENCY FUND	# 9224 THRU 9226
COMMUNITY DEVELOPMENT & CAPITAL FUND	# 9227 & 9228

Motion passed unanimously.

Councilor's Knapp moved and Paul seconded the motion to adjourn. Motion passed unanimously.

The Town Board Meeting adjourned at 10:55 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk