

Minutes of the Town Board Meeting held by the Town Board of the Town of LaFayette in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette on August 11, 2003 at 6:30 p.m.

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
Tom Chartrand, Bookkeeper
Anne Smith, Historian
Regina Reinschmidt, Rec. Coord.
Barb Cromley
Sue Snavlin, Dep. D.C.O.
Edward Carroll, Hedgerow Lane
Marvin Bodley, Hedgerow Lane
Cindy Heckerman, Sentinel Hgts Rd.
Bruce Freund, Sentinel Hgts. Rd.
Sam Furco, CRAM Communications
Ray Schwenn, Timothy Dr.
Mrs. Knoll, Timothy Dr.

Supervisor Scammell called the meeting to order at 6:43 p.m.

COMMUNICATIONS:

Residents.

Councilor Paul said Mrs. Knoll came to the last Town Board Meeting requesting a speed limit reduction for the Keough tract. The Board recommended she submit a petition. Marvin Bodley and Edward Carroll are present to express their feelings on this.

Edward Carroll said they came to his house with the petition to reduce the speed limit to 25 mph and he refused to sign it. He doesn't know how anyone can speed in that area. They say cars are going 50-60 mph on the lower road. He believes there are less teenagers living in the area now than when he first moved there. He doesn't see what purpose another sign will do. Signs are for people who want to pay attention to them.

Supervisor Scammell asked Leon Cook if the speed limit in that area is 55 mph.

Leon Cook said yes.

Supervisor Scammell asked if they were against any reduction in speed or just to the 25 mph.

Marvin Bodley said signs are a cost to the town and it costs to enforce them. They have about 3/10 of a mile total for 3 streets. How much cost should the town incur for a concern of 1-2 people? He and Edward Carroll have lived there for years and have had no problem. If someone was going 45-50 mph on the bottom road, they would never make the corner. He would like to know who determined the speed that the cars were going.

Supervisor Scammell said Mrs. Knoll estimated it. The County D.O.T. would determine the speed limit that would be associated with this area if a petition is submitted to them.

Councilor Paul asked about how many people they think actually use the bottom road in an 8-12 hour day.

Edward Carroll said it's mostly residents as the tract goes no place.

Marvin Bodley said he might go in and out 3 to 4 times a day himself. He thinks if he said 20, it would be a lot. Usually the traffic is just people going to work or to the store and coming back.

Edward Carroll thinks there are only about 23 houses on the tract. The number of cars seems to be the same. Some people use the bottom road and some use Roberts.

Leon Cook said signs are expensive. You always have to maintain them when you put them up. They are very bad when plowing snow. Most of the people down there mow right out to the roadside and would have to mow around these signs. He is not against putting signs up when you need them but why put them up if you don't?

Edward Carroll can't see where they would serve a purpose.

Supervisor Scammell said in areas where we have tried to reduce the speed, we have had to request the Sheriff's or State Trooper's to come and wait to see if anyone is speeding and ticket them if they are. If this Board does get a petition, we can attach a note to it stating these folks comments and that they were not in favor of the speed limit reduction request.

Councilor Paul advised it is not the Town Board's decision.

Supervisor Scammell said we forward the petition to the D.O.T. and they do the evaluation.

Councilor Paul said if a petition is received, he will notify them.

Councilor Knapp said the Board did advise Mrs. Knoll she would need a petition with a number of signatures on it from residents in the area.

Anne Smith said last April the Town Board was kind enough to authorize her to spend \$161.05 for the hanging of the historical pictures at the town offices. She has the project started and she has only spent 1/3 of that amount. They have spent about \$50 so far and she thinks that will be it. They hope to finish it up tomorrow.

Supervisor Scammell said they've done a great job

Barb Cromley said she was present for the Jim and Christine Cromley application for a zone change request.

Supervisor Scammell said the public hearing was held. They will move onto the Planning Board now and present their case there and see what happens after that.

Wall Street Journal: Cable-TV rates.

“The FCC report says the average cable-TV bill jumped 8.2% to \$40.11 from \$37.06 over the 12-month period ended July 1, 2002...”

Supervisor Scammell believes our basic cable cost is \$51.70. It seems we are a little higher than the national average.

NYS Board of Real Property Services: Tentative Equalization Rate.

“On 7/3/03 the State Board of Real Property Services established a tentative 2003 State equalization rate of 100.00 for your municipality....The percentage change in the estimate of full value between the 2002 State equalization rate and the 2003 State equalization rate due to the change in full value standard for your municipality is 3.35%. The percentage change for the other municipalities in your county is shown on the enclosed report...This percentage change is important because county and school taxes are apportioned according to a municipality’s share of the full value of the county or the school. A municipality will be apportioned a larger share of the tax levy if its full value increases by a larger percentage than others or if its full value decrease less than the decrease for other municipalities in the county or school...”

Councilor Knapp said the change in estimate of full value for LaFayette is 3.35%. Does that mean our piece of the county pie has increased 3.35%?

Tom Chartrand said if everyone else had stayed the same, yes.

Supervisor Scammell said the range was from -3.36 to 16.47. He thinks this is probably good news for us. He did fill out a complaint form. His understanding is that they include real estate commissions in the sale of a house. He is waiting to hear back from them about this.

Syracuse Post-Standard, 7.11.03, U.S. Census population projections.

The four-county Central New York region is growing in population for the first time since the economic recession of the early 1990’s triggered a stampede of people leaving the area, according to new U.S. Census Bureau estimates released Thursday...The numbers are a welcome validation of local efforts to diversify the local economy, officials said...”The region has a near-record number of jobs, more home building than we’ve seen in decades, and a shortage of existing homes for sale,” ... “There’s only one conclusion you can draw from that”....Martin agreed, saying that the Syracuse area can capitalize on having created one of the most diverse economies in the state: ‘The Syracuse job situation is better than all the other major metros (in Upstate New York)...”

Supervisor Scammell said it looks like the Town of LaFayette grew .04% from 2001 to 2002. Onondaga County grew 0.3%. In regard to the U.S. Census Bureau, he has been hard pressed to explain how they reported a decrease in population for us. He is considering now that fewer people turned in their survey's. It could also be the 1990 figures were too high.

Sue Snavlin said she works for the Census Bureau. She worked on southern Onondaga County and Cortland County during the census. She knew people who worked in this area who had addresses wrong that the Bureau took from the 1990 census so she feels the statistics are really bad. She believes a lot of people in LaFayette didn't even get a form as they based the addresses on 20-year old addresses. This was true of a lot of towns in this area.

NYS Department of Labor: Unemployment Insurance benefit obligations.

"Due to recent economic conditions, New York, as well as many other states, has had to borrow money from the Federal government in order to meet unemployment insurance (UI) benefit obligations...The 2003 Interest Assessment Surcharge rate of 0.06% will be applied to taxable wages paid in the period October 1, 2001 to September 30, 2002 as of the computation date of December 31, 2002. Notices will be sent in the near future to inform employers about the assessment amount due..."

Supervisor Scammell said our unemployment insurance is going up.

Councilor Knapp asked what it will be.

Tom Chartrand said the voucher has been submitted tonight. It was less than \$100.

Councilor Knapp asked if it would be the same thing next year.

Tom Chartrand believes it might be about the same.

Councilor Paul asked if all the employees are covered by this.

Tom Chartrand said all the appointed people only. Elected people are exempt from this.

Onondaga County Health Department: Health Promotion & Disease Prevention.

"Prevention of mosquito breeding sources are critical. Mosquito breeding grounds include areas where standing water exists or can be collected. Please continue to be diligent in eliminating potential hazards such as excess refuse, discarded tires, and uncovered containers that can hold water..."

Supervisor Scammell noted people at the highest risk are people over 50 and most mosquitoes are not infected.

Syracuse Post-Standard, 7.15.03, CNY Unemployment, June, 2003.

"With the notable exception of the manufacturing sector, the Syracuse area job market performed well in June. Employers in Cayuga, Madison, Onondaga and Oswego counties reported 2,200 more people on their payrolls in June than they did in the same month last year...The state's unemployment rate was 5.9 percent in June...labor force numbers show the area has finally gained

back all of the workers it lost during the 1990's, when Central New York's soft job market prompted people to move out of the area, many to hotter East Coast job markets.. Manufacturing employment continued to lag the rest of the economy last month...

Onondaga County Planning Board: Case Z-03-225, zone change.

Onondaga County Planning Board: Case Z-03-226, zone change.

NYS Department of Environmental Conservation: MS4's & school districts.

"Just as municipalities are required by 40 CFR 122.26 to obtain authorization to discharge stormwater from MS4s in accordance with a SPDES permit, so too must each of the public schools within urbanized or additionally designated areas. The Department is encouraging cooperation and consolidation with local public school districts wherever it is possible to realize efficiencies in complying with the federal stormwater control requirements. This effort would most efficiently be handled by the appropriate municipal jurisdiction. To accomplish this task, municipalities are encouraged to contact local public school districts to come to an agreement for municipal handling of MS4 requirements in the school district. Once such an understanding is completed, stormwater management plans submitted in accordance with the General Permit (GP-02-02) for Stormwater Discharges from MS4s should include provisions for extending the six minimum measures to cover local public school districts as well as the other areas required to be covered. You should also identify the local public school district as a cooperating MS4 in your annual report...At the same time as the Department is encouraging municipalities to address MS4 discharges from local public school districts, the Department, in cooperation with the State Education Department, is also encouraging local public school districts to adhere to local stormwater discharge control requirements..."

Supervisor Scammell said he sent a copy of this to Jim Wolf, School Board President.

Councilor Knapp asked if since both schools drain into county and state roads, are we responsible?

Leon Cook said it's up to the county and state.

Onondaga County Department of Health: Smoking regulations & signage.

"Any employer who allows smoking in an area or establishment that is regulated by this law can be subject to a civil penalty of up to \$2,000 for each violation."

Leon Cook said the highway employees gave a real good response to this and there are no problems.

Councilor Paul asked how we let them now that the municipality could pay a \$2,000 fine.

Leon Cook said all the employees got a letter on this.

Supervisor Scammell said if the Board chooses to update the Employee Manual regarding this it will be communicated to the employees so they are aware of it.

Councilor Bailey asked if the fleet is exempt in the vehicles.
Leon Cook said they can't smoke in the town vehicles according to the law.

Association of Towns of NYS: Annual dues.

"...your Town's dues for the year 2004 will be \$800..."
Tom Chartrand this is not an actual bill but to let you know what to budget for.

Onondaga County Legislature: 8.4.03 agenda.

"Amending Local Law No. 5-1998, as amended by Local Law No. 1-2001, to increase the maximum income eligibility levels for the partial real property tax exemption to persons with disabilities whose incomes are limited by reason of such disabilities..."

NYS Department of Transportation: Route 20 & Field Lane traffic device.

Supervisor Scammell wrote a letter in support of this.
Mary Jo Kelly said she heard they would be placing some sort of caution light about ½ way down the hill.

NYS State Board of Real Property Services: Equalization Rate.

"This will acknowledge receipt of your complaint and supporting documentation with respect to the tentative State equalization rate for the 2003 assessment roll of the Town of LaFayette..."

Empire State Development: Environmental Investment Program Funding.

"Empire State Development's Environmental Services Unit (ESU) is accepting applications for funding in 2003 to help qualified businesses improve their environmental performance. Under the Environmental Investment Program, New York State invests in projects that lead to the reuse or recycling of materials otherwise destined for disposal, and pollution prevention projects that lead to reductions in the volume or toxicity of waste before it is generated..."

NYS Public Service Commission: Telephone Network Reliability.

"The terrorist attacks of September 11, 2001 redefined a 'telecommunications disaster' and highlight the importance of New York's telecommunications infrastructure to the national and state's economies...Staff tentatively concludes that municipalities may want to consider agreements similar to New York City's Mutual Aid Restoration Consortium (MARC)..."

Onondaga County Department of Health: Water supplies.

"In March of 2003 this office conducted surveillance sampling at different water supplies within the county..."
Supervisor Scammell said he advised Scott that the library level is slightly elevated.

NYS Department of Agriculture & Markets: Tully Animal Clinic.

Supervisor Scammell said this is a copy of the inspection report of the Tully Animal Hospital. It was unsatisfactory regarding holding periods and impoundment fees. Dr. Cadwallader's response to the inspection is attached to the report. He asked if the DCO Shelter Manager booklet mentioned in Dr. Cadwallader's letter is available. He has never seen one.

Sue Snavlin said she has never seen one and doesn't know if one exists. He's not covered by a DCO Shelter Manager booklet. He's covered by NYS Ag. & Markets Laws which specify 5 days holding time unless more time is specified by contracts. The DCO Shelter Manager booklet isn't relevant.

Lake Country Veterinary Clinic: Contract.

Supervisor Scammell said this is a letter from Lake Country Veterinary clinic asking us to move a little quicker on signing their contract. He now has the information he needs to act on this. He asked Sue Snavlin to review the contract before it is signed. The Board will return to this item on the agenda.

NYS Veteran's Affairs Committee: Patriot Plan.

Supervisor Scammell noted this is a special report on the Patriot Plan.

Oneida Lake Watershed Advisory Council: Resolution request.

"...to contact one of our Council members and ask him or her questions regarding specific progress being made on issues ranging from cormorant control, water chestnut control, flooding and water level management, onsite waste treatment systems (septic systems), erosion and sediment control, and water quality testing..."

The Town Board will return to this item a little later for Kevin Gilligan's input.

Evelyn Amidon – Letter of Resignation.

"As of July 22, 2003, I am resigning as Deputy Town Clerk for the Town of LaFayette. I have enjoyed being Town Clerk and Deputy Town Clerk but feel it is time I gave it up."

Mary Jo Kelly said she is very thankful and fortunate to have been trained by Evelyn.

Councilor's Knapp moved and Paul seconded the motion to accept Evelyn Amidon's letter of resignation as Deputy Town Clerk. Motion passed unanimously.

The Town Board returned to the Lake Country Contract.

Sue Snavlin said it is fine.

Kevin Gilligan asked if we need a space guarantee.

Sue Snavlin said not with them. They have extra cages in the front and they bend over backwards so she is not concerned with this.

Councilor Paul asked how long it usually takes to get a dog adopted.

Sue Snavlin said after the legal time of 5 days, they start running ads. By the 10th day, the dog is usually adopted. She advised she has had no reports from anyone on the wild dogs. She doesn't know what happened to them.

Councilor Paul asked if she was called about a dog on Coye Rd.

Sue Snavlin said no.

Councilor's Smith moved and Knapp seconded the motion to enter into the contract with Lake Country Veterinary Clinic. Motion passed unanimously.

Kevin Gilligan said he doesn't know anything about the Oneida Lake Watershed Advisory Committee Resolution. He doesn't know the benefits of being in or out of something like this. He thinks the resolution has to do with support and funding. It's more of a policy than a legal decision.

Ray Schwenn said there are 3 creeks that join together. They are Limestone, Butternut and Chittenango. They all flow into Oneida Lake.

Supervisor Scammell asked where they all meet.

Ray Schwenn said some place near Minoa is where Limestone joins into Chittenango and Butternut joins into Limestone first. He can't say exactly where but it's somewhere near the Minoa Golf Course.

Supervisor Scammell noted there is a list of contacts about this. He will contact Frank Valetta to find out more about this for the next meeting.

Councilor Knapp said he would like to know what we are endorsing before we go forward with this.

Other.

SPECIAL REPORT: None.

REPORTS.

Departmental (4th Monday).

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

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

Supervisor Scammell believes it looks like something is being erected.

Councilor Paul though Ralph Lamson said they were going to be doing a partial demolition.

Supervisor Scammell thought it was reported this would be a full demolition. He will check with Ralph on this.

Junk vehicle status.

- a) 2954 Jamesville-Apulia Road. Appearance ticket, 6.03
- b) 2774 LaFayette Road. Notice of Nonconformity, 6.03
- c) Behind former IGA & Nice & Easy.

- d) 4135 Apulia Road, Howard Reals. Notice of Nonconformity, 6.03
- e) Mill Street (Blue Ford van & Grey Dodge van)
- f) Mill Street & 11A (Purple Voyager).
- g) Ortloff Road – trailer.

- 2851 Webb Road certificate of occupancy needed?

- Trailer on west side of Apulia Road just north of Bush Road.

Mary Jo will pull names for the above addresses while the Board is in Executive Session and the Board will return to this report.

Councilor Paul asked if someone goes before the Zoning Board of Appeals for a variance, no matter what type it is, should our Zoning Officer go visit the site before anything is done and report his findings to the Board before any action is taken?

Mary Jo Kelly said Ralph Lamson does send notices of non-conformity to the property owners. The owner then either appears in court if they don't bring the property into conformity or they can seek a variance or zone change. Anyone can ask for a variance. Court appearances are adjourned until a decision by the Zoning Board of Appeals is reached regarding the application.

Dog Control: Jon Rogers & Sue Snavlin.

- Lake Country contract.

This has been completed and can be removed from the agenda.

Highway Superintendent: Leon Cook.

Leon Cook said they have been mowing all the parks. So far this summer they have had to mow every week. He has a crew going around and cutting the limbs on big trees in the right-of-way and then the brush hog follows them around to clean it up. He bought a saw that they can cut a lot of the limbs without having to get into the loader bucket to reach. Eventually, if it keeps working out as good as it is, he will get another one. They are safer. He is going around for a second time on roadside mowing. They oiled and stoned since the last meeting on Winacre Drive, Bella Vista, Pioneer, Norman, Shute and part of Orchard Lane. They didn't finish Orchard Lane as they ran out of oil. They helped pay pack Tully and Otisco for their help by helping them. There was a problem with the gate at the Beach which he fixed. They got a harness for anyone working in the bucket to wear.

Leon Cook got a notice in his mailbox today. It was a claim for a Shoemaker who had an accident at the 4 corners.

Councilor Knapp said Mary Jo Kelly gave the Board a copy of this notice and her letter to our insurance carrier.

Kevin Gilligan said we have no jurisdiction over the intersection or the light. The insurance company was advised of this and that the notice was improperly served.

- SPDES – awaiting coordinated actions at county level (see J. Dunkle list).

He has been talking with John Dunkle about SPDES. John went to a meeting with the county and they have decided we don't have to have these maps drawn up this year. We still have time. The county is applying for a grant which will work with the towns and save us some money. John gave him an estimate of \$6,000 if we went ahead and drew up the maps this year. If we wait for the county, we might get a big break so that is what he recommends.

The Town Board was in favor of this.

- Ashburn Drive road dedication.

Leon Cook said at the end of Applewood, there is a 250'-260' section leading to a house. It's been run-a-crushed and paved now. As far as he is concerned it's O.K. to have this turned over to the town. Ken Schoeck will be submitting the paperwork for this.

Kevin Gilligan said he needs a dedication. He will need a deed, etc.

Councilor Knapp said Ken did all the other roads in that area so he should know how to do this.

- CHIPS monies (\$31,971.06).

Supervisor Scammell said he received almost \$32,000 from the CHIPS Funding. He thanked Leon for getting this.

Councilor Bailey asked if the FEMA paperwork has been completed.

Leon Cook said yes. We were one of the first to get it done. We are just waiting for the funding.

Justice: Malcolm Knapp & Maureen Perrin.

Supervisor Scammell noted there were 385 cases in July and \$27,240 was turned over to the Town of LaFayette.

Library Director: Scott Kushner.

No report submitted.

Recreation Director: Regina Reinschmidt.

Regina Reinschmidt said the summer track program went very well. They only had 12 kids but they really enjoyed it. The last night they had a track meet at Tully High School. The Major's Baseball Team is playing its last game tonight at the High School. They had 15 games and played one at P & C Stadium. They are very grateful to the High School for letting them use the field for most of their games. There is about 1 more week for Brine Lacrosse. They held a soccer camp last week run by the Ultimate Goal in Marcellus. The coaching staff was excellent.

Councilor Knapp said his daughter went to it and had a great time.

Regina Reinschmidt said the baseball fields were sprayed and rota-tilled for weeds. Another load of ball mix was brought in. Swimming lessons have ended for this year. The Beach will remain open until the 18th.

Councilor Knapp asked how the pool has been with all the rain, Regina Reinschmidt said it's cooler than usual. The After School Program is still going there.

Councilor Bailey asked how the new field striping apparatus is working out.

Regina said very well.

Town Clerk: Mary Jo Kelly.

- Marriage license fees.

Mary Jo Kelly said the state has mandatorily raised the marriage license fee to \$30.00. Marilyn Smith (the Town Clerk for Camillus) did a survey of the various towns in Onondaga County to see what their fee would be. Most everyone is going to \$40. She would recommend the Town of LaFayette go to \$40.00 too so there is consistency. We normally charge \$10 for a Marriage License Certificate when requested. This \$40 would include that one original certificate sent to the married couple when the Affidavit is received in the Town Clerk's Office. She asked the Board to make it effective August 1, 2003.

Councilor's Knapp moved and Smith seconded the motion to raise the Marriage License Fee to \$40.00 effective August 1, 2003. Motion passed unanimously.

- July Report.

Town Supervisor: Greg Scammell.

- July Report.

Supervisor Scammell noted we have expended about 58% of our budget and we are about 58% through the year.

Committee (2nd Monday).

Communications & Technology.

- Digital Towpath – Demo & Testing to resume in the summer (GS).

Emergency Response.

- Defibrillators (TB).

- Annual Review of Disaster Preparedness Plan – Backup communication system options, cell phone #'s to Town Clerk.

Mary Jo said she has everyone's number and is in process of updated Plan.

Employee Policies & Benefits.

- a) Update employee handbook? (disciplinary action for smoking violations?).
- Jury Duty compensation.

Mary Jo Kelly said one of the folks at the Highway Dept. got called for jury duty. Leon Cook found out if we have something in our Employee Manual regarding jury duty compensation then the town pays the difference in what the employee receives from the court. If nothing is in our Manual, the court pays nothing.

Leon Cook said Tully has jury duty payment in their Manual. Tom Chartrand has a copy of their policy. He believes we should put something like they have in ours. He spoke with the lady at the jury board and she said to fax her a copy of our Employee Manual where it says what we do under jury duty and they would compensate the town. We don't have anything addressing this so he didn't fax her anything. He thinks we should do this. He would like to see everyone get paid for doing jury duty but if all the other towns have it so they only have to pay part of the salary, he believes we should do the same. The Town would pay the employee the full amount of their salary and then when the check comes from the court, it comes to the town.

Councilor Bailey asked if the Commissioner of Jurors knows this procedure.

Leon Cook said yes.

- b) Employee Medical Plan contributions.
- $\$9,637/\text{year} \times 1\% = \$96.37/\text{year} = \$3.71/\text{pay period}$ (currently \$2/month).
 - Most recent town monthly OCEBA cost - \$12,339.
 - Average workers contribution rose from \$52/month in 1988 to \$174/month in 2002.
 - Copays rose from \$16 to \$26/month.
- c) NYS Disability Insurance. ~\$4/month – males, \$8/month – females. Review at budget time.

Environmental & Conservation Advisory Board.

Highway.

Physical Plant.

- Roof/ceiling leaks: Library (repair) & Community center (new side roof estimate - \$4,200 + painting estimate), new siding or repair old siding?
- Evaluate flooring shift.
- Library air conditioning, condenser repair. Supervisor Scammell said this has been repaired.

- No smoking signs. Town offices, Highway department & vehicles, Community Center.

Mary Jo Kelly said Herb Salladin has posted all the signs.

Leon Cook must find some small signs for the trucks.

Recreation & Youth.

a) Bailey Park. Swings repaired by Herb Salladin.
Councilor Smith said herb has also done bumpers for the teeter-totters.

b) LaFayette Beach.

- New facilities (SS).
- Survey/transfer LaFayette Beach from LCC to town.

c) Stafford Park.

d) Ropes Course.

- Certificate of Inspection.

- Brian Kenealy's resume.

Councilor Knapp asked if he would be taking someone's place.

Councilor Smith said he would be in addition to the folks there now.

He is giving up his position as the head director for the city to come on board with these folks. As it stands, it's the 3 of them as course directors but she has been keeping track of everything herself.

Kevin Gilligan said the town would approve a contract with him. He asked if he sent Councilor Smith a contract for Brian.

Councilor Smith said yes but some terminology needs to be changed.

Kevin Gilligan said it could be approved subject to the changes Councilor Smith has in mind. We have a contract with each of the directors. We will need to be sure he is added to the insurance policy. Basically the ropes course insurance provides coverage for the town on this.

Councilor Knapp moved and Supervisor Scammell seconded the motion to authorize the supervisor to sign the contract with Brian Kenealy. Motion passed unanimously.

Councilor Knapp asked when the insurance is due.

Councilor Smith said very soon. It's very reasonable.

Safety.

Senior Transportation & Housing.

Service Awards.

SOTS/OCCRA Liaison.

Water.

- U.S. Army Corps of Engineers/Jamesville Reservoir. Supervisor Scammell said this is still in process.

Zoning Review.

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

LITIGATION & OTHER LEGAL MATTERS.

Watson v. Town of LaFayette.

This will be discussed in Executive Session.

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

Kevin Gilligan said we are waiting for them to get their insurance straightened out and send some checks.

Groth Road Communications Tower – T Mobile/Omnipoint/Voicestream Wireless – renewal.

Mr. Muraco's project at the four corners – DEC meeting.

Supervisor Scammell and Councilor Knapp will be meeting with Mr. Muraco and the DEC on the 12th and hopefully will be able to make some progress.

Noise ordinances/disturbing the peace – sample ordinances.

Supervisor Scammell submitted some sample ordinances for the Board to review. Councilor Smith will review them first and send them on to Councilor Knapp.

Bruce Freund asked the difference between a noise ordinance and a nuisance ordinance.

Kevin Gilligan said one would address only noise and the other would address any kind of nuisance.

Bruce Freund asked if a nuisance ordinance would benefit the town more than a specific noise ordinance.

Kevin Gilligan said the nuisance laws are not written with regards to noise. He hasn't really seen any nuisance ordinances aimed at noise. The problem with nuisance ordinances is you can't enforce private nuisances (one property owner against another). The town can only enforce nuisances to the public in general.

Bruce Freund said last week a couple of individuals were racing up and down the road on motorcycles. The state police came when they were called by a neighbor. The individuals went into their home and turned the lights off. About 10 minutes after the state police left, the individuals came back out and raced up

and down the road again. This would be affecting everyone in the area. Would it benefit the town more if the ordinance addressed nuisances which would include drug use or sales, etc.?

Kevin Gilligan has never seen any nuisance laws designed to address traffic. If they were speeding or driving recklessly, the police officers could ticket them. He believes there are instances where particular individuals can constantly disrupt 5 to 10 families. It's hard for police to catch them.

Councilor Knapp said we have had an ongoing problem with 4-wheelers throughout the town. It's difficult to catch them too.

Kevin Gilligan said we could put all kinds of laws on the books but it could be the Code Enforcement Officer that must enforce them because the Sheriff's or State Trooper's will not come all the time. It does become frustrating when you can't catch them.

Councilor Knapp asked if Capt. Bronstad has been in attendance when we have been talking about this.

No one thought he had.

Councilor Knapp would like his input on a noise/nuisance ordinance.

Bruce Freund said he spoke with Capt. Bronstad a couple of times about 1 ½ months ago. Capt. Bronstad said one of the problems they have is that there isn't a noise ordinance in LaFayette.

Councilor Knapp would like to hear from him if there is something he would recommend being in the ordinance.

Supervisor Scammell will try to contact him to see if he can attend the next meeting.

Bruce Freund said Capt. Bronstad is on vacation right now.

Clean Indoor Air Law – disciplinary options.

Supervisor Scammell reviewed a letter from Michael A. Tremont of Costello, Cooney & Fearon regarding the Clean Indoor Air Law.

Councilor Bailey asked who presides over a violation.

Kevin Gilligan said probably the County Health Dept. The town is obligated to be sure its employees comply.

Councilor Paul said supposing Leon gets a complaint that someone saw one of his drivers smoking in a town vehicle. Who has to confirm this?

Kevin Gilligan said they could report it to the Health Dept. If the town got a report like that, the proper thing to do would be for the supervisor of that employee to notify the employee a report has been made and this puts the employer on notice that they are in violation of a state law and could be subject to disciplinary action. This should be put in writing as it helps to show the town has taken appropriate action.

Further discussion took place regarding punishment.

Councilor Paul would recommend having a time-frame that the employee cannot have any further violations during.

8.8.03 Municipal Law Seminar.

Supervisor Scammell said on August 8th, Costello, Cooney & Fearon put on a great seminar. Some of the topics were Agricultural Districts in New York, Religious Exceptions to Zoning Regulations and Enforcement Actions in Justice Court.

UNFINISHED BUSINESS & ACTIVE PROJECTS.

Town of LaFayette urn & tile display case .

This is still in process.

Time-Warner Cable TV franchise renewal .

This is still in process.

Town holiday lighting.

Nothing new to report.

Alternate ZBA and Planning Board member appointments.

Dell Bush stream naming.

Speed limit reduction request for Tully Farms Road.

We haven't heard anything back yet.

Sunset Hills Drainage copies to owners & developer Carsky.

Kevin Gilligan said he hasn't heard anything from John Dunkle since last meeting.

Light Pole request – Route 20 & Ortloff Road.

Supervisor Scammell said this is in process.

Keough tract – awaiting resident petition for speed limit reduction request.

Ray Schwenn submitted a petition for a speed limit reduction for the Keough tract. There were 17 signatures on it.

Councilor Knapp asked how many houses are in that area.

Ray Schwenn said probably 20 or so.

Councilor Paul said Marvin Bodley said there were 23.

Ray Schwenn said he had a problem last week with two kids on go-carts.

Councilor's Smith moved and Knapp seconded the motion to submit the petition to the County D.O.T. along with the other residents comments. Motion passed unanimously.

Cram Communications, WVOA-AM towers.

- Onondaga Nation contact .
- Temporary tower.

Sam Furco of CRAM was present to get permission for the temporary tower.

Kevin Gilligan said both of their requests have been referred to County Planning and we have not heard back from them yet.

Sam Furco said it is crucial for them to do the testing this summer. The testing will take about a week. The tower is about 190' high and 18' wide.

Councilor Paul asked Kevin Gilligan if there would be any interference with the town tower.

Kevin Gilligan said Craig Fox advised at the last meeting there would not be a problem. He asked if they detune for the testing.

Sam Furco said no.

Kevin Gilligan said he did receive some material from Craig Fox which concerned him. One piece of information says if an A.M. station is put in, the mobile carrier in the area must bend to their needs which is totally unacceptable to the town to put this burden on the town or its tenants. There has been talk from time to time about another tower. The information he received states "the Public Mobile Service licensee is responsible for the installation and continued maintenance of any detuning apparatus necessary to restore proper performance of the AM station array..."

Sam Furco said they are paying for this.

Kevin Gilligan said the only difficulty the town has as far as going forward on the testing tower is that we haven't heard back from County Planning yet.

Mary Jo Kelly advised they meet tomorrow.

Supervisor Scammell asked Mary Jo to contact County Planning tomorrow regarding this application.

NEW BUSINESS.

Flegal family request.

Developer Fees Waiver – Hege/Clemens Subdivision Map Amendment.

Mary Jo Kelly explained that Mark Clemens had applied earlier this year for a subdivision which was approved. All fees were paid. Before filing the map with the county, it was determined by the applicant that they owned 10 more acres. They now have reapplied for an amendment to their subdivision map. The Planning Board recommended waiving the application fee but that the applicant would still be responsible for any attorney or engineering fees.

Councilor's Knapp moved and Paul seconded the motion to waive the application fee for the Hege/Clemens amendment to their subdivision map application but not to waive the Developer Deposit. Motion passed unanimously.

Councilor Bailey asked if this sets a precedent.

Kevin Gilligan said this application had a unique set of facts.

Other.

Councilor’s Paul moved and Knapp seconded the motion to send Jacob Slowik a Recognition Certificate for making Eagle Scout. Motion passed unanimously.

Councilor Smith said she and Tom Rezsnyak inspected the Community Center to be sure everything is grounded. There are 3 walls in the main room that are not grounded.

The Town Board was in agreement to contact Fred Groth for this.

Supervisor Scammell advised we will need an estimate for this work.

Councilor Smith will contact him.

Councilor’s Paul moved and Knapp seconded the motion for the Town Board to go into Executive Session to discuss litigation and to include the Town Attorney. Motion passed unanimously.

The Town Board went into Executive Session at 9:20 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 10:15 p.m.

Mary Jo gave the names for the addresses above under the Code Enforcement Report.

Councilor Knapp submitted the mass gathering permit for the Apple Festival. He said it hasn’t changed in the last couple of years. In the past the Board has waived the fees.

Councilor’s Paul moved and Smith seconded the motion to waive the application fees for the LaFayette Apple Festival Committee’s Public Assembly Permit. Voting was follows:

Supervisor Scammell	Aye
Councilor Paul	Aye
Councilor Smith	Aye
Councilor Knapp	Abstain
Councilor Bailey	Aye

Motion passed.

Supervisor Scammell noted they get water from the old OCWA line.

Councilor Knapp said this is the last hookup. The pressure is terrible.

Councilor Smith said the Certificate of Insurance must be updated.

Councilor Knapp said it has been updated to 3 million per occurrence. He will drop a copy off at the Town Offices.

Councilor’s Paul moved and Smith seconded the motion to approve the LaFayette Apple Festival Committee’s Public Assembly Permit for the LaFayette Apple Festival to be held October 10 and 11, 2003. Voting was as follows:

Supervisor Scammell	Aye
Councilor Paul	Aye
Councilor Smith	Aye
Councilor Knapp	Abstain
Councilor Bailey	Aye

Motion passed.

There were no suggestions for improvement & positive contributions.

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

HIGHWAY FUND	# 9307 to # 9325
GENERAL FUND	# 9326 to # 9374
SPECIAL DISTRICT FUND	# 9378 to # 9380
TRUST & AGENCY FUND	# 9381 to # 9387

Motion passed unanimously.

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

The Town Board Meeting adjourned at 10:20 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk