

Minutes of the Town Board Meeting held by the Town Board of the Town of LaFayette on September 8, 2003 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

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

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Kevin Gilligan, Town Attorney  
Tom Chartrand, Bookkeeper  
Cindy Heckerman, Sentinel Hgts. Rd.  
Sue Snavlin, Dep. Dog Control Officer  
Capt. Bronstad, Onondaga County Sheriff's Dept.  
Leon Cook, Highway Superintendent  
Marshall Taylor, Assessor/Clerk  
Bruce Freund, Sentinel Hgts. Rd.  
Mr. Sulesky, Festival Gardens

1. Supervisor Scammell called the Meeting to order at 6:30 p.m.
2. Roll call taken by Town Clerk. All present.
3. Pledge to the U. S. Flag was done at public hearing.
4. **Councilmen Knapp moved and Paul seconded the motion to accept the August 26, 2003, Special Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **COMMUNICATIONS:**
  - A. Residents.
  - B. NYS Comptroller's Office: Town Hall Meeting.  
September 9, 2003
  - C. LaFayette Fire Department: 2004 contract.  
Supervisor Scammell said they plan to negotiate their 2004 contract.
  - D. Longley Jones, Carlyle Smith: PILOT agreement.  
"I have been advised of recent conversations you have had with Mr. Jim Sulesky

of our firm concerning the subject property. These discussions indicated we are in the last year of our PILOT agreement covering this property that was initiated some 15 years ago at its inception. The facts of the matter are that the taxes we are presently paying under the PILOT Agreement are about equal to an amount that would represent a full assessment on the property, that being \$28,000 per annum...”

Mr. Sulesky was present to represent Mr. Smith. He said Mr. Smith would like the Town Board to consider extending the PILOT Agreement for Festival Gardens. Mr. Smith owns a small income housing which is subsidized by the government. They have no control over their income. They do raise the rents. It's controlled by the federal government. The income is limited. The current PILOT Agreement will run out in 2005. The property will be reassessed in 2004. They actually pay the full assessment now. He is asking to recreate or extend the PILOT Agreement at a lower percentage to help keep the project up and running and in the fashion they have taken care of it in the past.

Councilman Knapp asked how the PILOT came to the point where it is basically at full-value.

Mr. Sulesky said it started at 5% and proceeded to go to 15% at the 20 to 25 year period of time. Now it's gotten to the point where at 15% last year they paid full assessed value. He understands the school taxes will go up again next year which would be an increase for them which would bring them to about 33%. The project is huge. They have their own well system. They used to have their own sewage treatment plant and have replaced it with their own septic system. They are requesting to renegotiate the existing PILOT Agreement or start a new one. He would ask to revitalize or renegotiate the current PILOT Agreement.

Councilman Knapp asked what the school has to do with this. Does the town negotiate for them?

Mr. Sulesky thinks it's a total package.

Councilman Knapp asked Kevin Gilligan if the Board needs to get the school involved in this.

Kevin Gilligan said yes.

Tom Chartrand said the county will be involved as well. They are more or less the organizer of it. The town actually gets the least amount of money.

Supervisor Scammell asked the occupancy rate.

Mr. Sulesky said there are 36 units and they usually run at 95% occupancy because of the subsidies.

Councilman Paul asked about how many of the tenants are from LaFayette.

Mr. Sulesky said maybe more than 20%.

Supervisor Scammell said one question is can we have another PILOT Agreement?

Mr. Sulesky said the loans are held by the federal government.

Kevin Gilligan asked if he had spoken to them yet about renewing the PILOT.

Mr. Sulesky said no.

Kevin Gilligan said it would depend on whether they are willing to proceed with one.

Mr. Sulesky said Mr. Smith is not refinancing. This is strictly dealing with taxes.

Kevin Gilligan doesn't believe the Town Board can initiate a PILOT at the local level. He thinks it might have been initiated originally by Farm Home or the county. He believes it was initiated by someone else and presented to the Town Board.

Councilman Knapp asked who would initiate it.

Kevin Gilligan said we would have to try to determine who initiated it in the first place.

Supervisor Scammell said this would have been in October of 1985. The Minutes can be checked for any references.

Kevin Gilligan thought it came to the Board from Farm Home.

Mr. Sulesky will try to find out if they initiated it from his end and if they will get involved again.

Councilman Paul thought it originated with the school.

Marshall Taylor said from an Assessor's standpoint, a resident would come to the Assessors Office to discuss their concerns over their assessments. The same option would be available to Mr. Smith if he felt the assessment was too high. He would have to show the documentation supporting his concern. Someone can come in every year to review their assessment.

Mr. Sulesky said Mr. Smith would have to make this decision. He asked if legal counsel is needed for this.

Marshall Taylor said Mr. Smith could come in to see them in January of 2005 and discuss the assessment and what he thinks the property is worth.

Mr. Sulesky said what it's assessed at now is totally out of the ballpark. He thinks it's assessed at 50,000 a unit.

Marshall Taylor said there are enough apartments in town to compare it to. This property hasn't been looked at much due to the PILOT Agreement. When the PILOT goes away, the assessment will need to be discussed. There's an option to discuss this without a PILOT. He asked if they had considered what value they would put on the property in a new PILOT.

Mr. Sulesky said probably 1/2 of what it is now. This would be Mr. Smith's decision.

Supervisor Scammell said presently they are paying about \$28,000 in taxes.

Councilman Knapp said this is for school, county and town.

Supervisor Scammell said one thing we have to decide is whether the Town Board can initiate this or not. Some research will be done on this. The other piece is if you are paying \$28,000 now, how much would you be paying in a new PILOT? Until we know who initiates this, we can't go any further. He asked Mr. Sulesky to research this at his end and advised we will research it at our end.

Councilman Paul asked what's included in the monthly rents.

Mr. Sulesky said they get water. There's a heat allowance from the government. He believes they pay their own cooking gas.

E. Onondaga County Legislature: 9.2.03 agenda.

F. AT&T Wireless: Groth Road Communications Tower.

"In accordance with the terms of the Agreement, AT&T Wireless will notify you upon exercise of the Lease and commencement of rent payments..."

Supervisor Scammell said we are in receipt of their check for approximately \$26,000.

G. Onondaga County Planning Federation: Annual Dues.

“The Onondaga County Planning Federation is requesting its municipal membership dues for the 2003-2004 program year. Annual dues remain at \$50.00 and are used to underwrite our annual municipal training program held in January of each year. Last year we had approximately 100 municipal officials attend and we provided training on a variety of topics...”

H. NYS DOT: Keough Tract speed limit request.

“Thank you for your August 14 letter requesting a lower area speed limit within the Keough Tract...”

Supervisor Scammell said a new form has been submitted for this.

I. NYS Emergency Management Office: 2003 Ice Storm reimbursement.

“The State Emergency Management Office will be processing a payment in the amount of \$22,618.03 for the 2003 Ice Storm. The Federal Share is \$19,493.99 and the State share is \$3,124.04 for the total amount...”

Supervisor Scammell thanked Leon Cook for all his work on this.

J. NYS Attorney General Elliot Spitzer: Issues of Local & Statewide Interest. Supervisor Scammell noted the topics are as follows:

“...Authorities Break Up Cocaine Distribution “Cells” in CNY...Spitzer Reaches Agreement to Improve Safety at Syracuse Apartment Complex Plagued by Crime and Drugs...Attorney General Stops Phony Fundraising for Firefighters...”

K. CNY RPDB: Regional Roundtable.

“...Objective: To obtain input and recommendations on how state programs protect agriculture and how the agricultural land base can be strengthened, along with suggestions for increasing local understanding and support for their implementation. Invited Participants: County Legislators, County Planners, County Economic Development and Industrial Development Agencies, Members of the County Agricultural and Farmland Protection Boards, County farm leaders, Cornell Cooperative Extension, Regional Planning and Town Supervisors...”

L. NYS ORPS: 2003 Triennial Aid Assistance.

“An application for 2003 Triennial Aid Assistance was received on behalf of the Town of LaFayette..”

J. Syracuse Post Standard: July Unemployment.

“In a reversal of fortune, the Syracuse area has suddenly become the job-growth leader of the state. There were 4,800 more jobs in Cayuga, Madison, Onondaga and Oswego counties in July than there were in the same month in 2002...The Syracuse area’s unemployment rate was 5.4 percent last month,, well below the state’s 6.1 percent rate...The Syracuse numbers are very impressive, particularly since the nation is still

losing job...Mathew Martin, senior economist with Economy.com attributed the Syracuse area's relatively strong job market to its diverse economy, which is much less reliant on manufacturing than it was...Not only did no other area of the state gain as many jobs as the Syracuse area, most of the state's metro areas lost jobs in July...The state Labor Department said 3,700 of the 4,800 jobs created since July 2002 were in the private sector..."

K. Other.

Tom Chartrand asked about budget dates. We normally have everyone come in at the second meeting in September.

It was decided budget meetings will be as follows:

- September 22 at 6:00 p.m.
- September 23 at 6:30 p.m.
- October 1 at 6:30 p.m.
- October 8 at 6:30 p.m.

Marshall Taylor said he is the one who gets involved with computer replacements. The Tax Collector and 2 Justice computer leases will be ending at the end of this year. Due to the change in the software procedure, you can no longer purchase one package and put it on all the computers in the office. You can only load 1 software program on one computer. You must have it installed on each computer separately. Because of this new requirement, the leases will run about \$100 each instead of \$84 each per month. He has asked everyone to increase their computer budgets to cover this. The software will be good with the system forever.

6. **SPECIAL REPORT:** None.

7. **REPORTS:**

A. Departmental (4<sup>th</sup> Monday).

- 1) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.
  - South Syracuse Motel – Route 20 W – planned demolition (1.27.03). Roof being added.
  - Junk vehicle status.
    - a) 2954 Jamesville-Apulia Road/Hyland. Appearance ticket, 6.03
    - b) Behind former IGA & Nice & Easy.
    - c) 2401 Route 11A & Mill Street/Dileillo: Blue Ford van, Grey Dodge van, PurpleVoyager)
    - d) Ortloff Road – trailer.
  - 2851 Webb Road/Gernhardt: certificate of occupancy needed?
  - 3171 Apulia Road/Ziver: Trailer on west side of Apulia Road just north of Bush Road.
- 2) Dog Control: Jon Rogers & Sue Snavlin.
- 3) Highway Superintendent: Leon Cook.
  - SPDES – awaiting coordinated actions at county level (see J. Dunkle list).
    - Syracuse Post-Standard, “Feds plumb local runoff”.

Councilman Knapp noted the article stated "...towns and villages in urban areas with a population of 10,000 or more to watch over the pollution that runs off rooftops and streets every time it rains..."

Supervisor Scammell said actually there are two different levels. It also depends on whether you have these streams flowing through your community which we do. If they flow through your community, you must follow the regulations no matter what your population is.

Councilman Knapp noted it doesn't appear we have to worry about the residential stuff.

- Ashburn Drive road dedication.
  - 4) Justice: Malcolm Knapp & Maureen Perrin.
  - 5) Library Director: Scott Kushner.
  - 6) Recreation Director: Regina Reinschmidt.
  - 7) Town Clerk: Mary Jo Kelly.
    - Marriage license fees.
  - 8) Town Supervisor: Greg Scammell.
- B. Committee (2<sup>nd</sup> Monday).
- 1) Communications & Technology.
    - Digital Towpath – Demo & Testing to resume in the fall (GS).  
This has been moved to fall to work on.
    - Emergency Response.
    - Defibrillators (TB).

Councilman Bailey had nothing new to report.

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

An updated copy was submitted.

Councilman Paul isn't sure that Mike Waters should still be on the list.

Supervisor Scammell said a lot of these names were gathered during the mudslide.

Capt. Bronstad said Peter Alberti has taken Mike Waters place.

Mary Jo Kelly will delete this name and update Councilwoman's cell phone number.

- 2) Employee Policies & Benefits.
  - a) Update employee handbook update.
    - Jury Duty compensation

Mary Jo will contact Tom Chartrand to get a copy of Tully's regarding this matter.

- No Smoking violation discipline.

Councilman Knapp would recommend making it as open and flexible as we can.

Supervisor Scammell said it could read "up to and including dismissal".

Councilman Paul asked Leon Cook if he'd had any problems.

Leon Cook said no,

**Councilmen Knapp moved and Paul seconded the motion to amend the Employee Manual to read "Discipline of a smoking violation can be up to and include dismissal". Motion passed unanimously.**

A letter will go out to all employees advising them of this amendment.

- 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.
  - 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.

3) Environmental & Conservation Advisory Board.

4) Highway.

5) Physical Plant.

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

Supervisor Scammell asked if we will be able to get it painted this year.

Councilman Knapp said the \$4,200 is for the Town Offices. Dale Walburger has not gotten back to him on the Community Center yet.

Supervisor Scammell will work on getting an estimate for the roof section over the kitchen at the Community Center. This needed to be done about a year ago.

Councilman Knapp said he will be sure to have the estimate for the budget meetings.

- Evaluate flooring shift.

Supervisor Scammell said he hasn't seen any change. One portion of the floor seems to have sunk about ½ inch.

Councilman Knapp said regarding the electrical work that must be done at the Community Center, it will not be a real high dollar volume per his discussion with Fred Groth. Fred thought it would be between \$400 and \$500.

Councilwoman Smith would recommend getting another estimate. The last voucher was rather high for the box lacrosse.

Councilman Knapp said it had to be treated lumber and some electrical was done too.

Marshall Taylor would recommend asking Fred Taylor for an estimate. He believes by not putting out bids, people are excluded.

Councilwoman Smith will call Fred Taylor.

- No smoking signs. Highway vehicles.

Leon Cook said "No Smoking" signs have been placed in all the vehicles.

6) Recreation & Youth.

a) Bailey Park.

b) LaFayette Beach.

- New facilities.

Councilwoman Smith said she is waiting to hear back from the County Health Dept.

Councilman Knapp said the port-a-john has been tipped over again. He recommends having it removed.

Mary Jo will contact the company.

- Survey/transfer LaFayette Beach from LCC to town.
- c) Stafford Park.
- 7) Safety.
- 8) Senior Transportation & Housing.
- 9) Service Awards.
- 10) SOTS/OCCRA Liaison.
- 11) Water.
  - U.S. Army Corps of Engineers/Jamesville Reservoir.
- 12) Zoning Review.
  - Digitized zoning map.
  - Misc. review: Communications/Cell Towers & Private (single horse) horse stables.

## 8. LITIGATION & OTHER LEGAL MATTERS:

- A. Watson v. Town of LaFayette.
- B. Groth Road Communications Tower – AT & T, permissive referendum, insurance certificate & endorsements.  
This item can be removed from the agenda.
- C. LaFayette Hotel/Mr. Muraco's project at the four corners – DEC meeting  
Supervisor Scammell said Mr. Muraco's engineer has made a proposal to the DEC and are awaiting their response.
- D. PILOT agreement, Festival Gardens.  
Discussed earlier in the meeting.
- E. Noise/nuisance ordinance.
  - a. Review samples.  
Councilwoman Smith has reviewed them and Councilman Knapp has them now.  
Supervisor Scammell said we don't have a noise ordinance. If law enforcement comes out and there's not an ordinance, there's not a lot they can do.
  - b. Onondaga County Sheriff's Captain Bronstad input.  
Captain Bronstad said one of the downsides is you have to have a decibel reader. He brought one with him to show the Board. He advised you set the level at whatever you want it to be.  
Kevin Gilligan said there are certain parameters you can follow for this. Your levels could be set higher during the day than at night.  
Captain Bronstad said they cost about \$80 each. He believes it would be helpful to have something like this for the Town of LaFayette.  
Councilman Paul believes it might be worth it to buy one for the Code Enforcement Officer.
  - c. Review resident suggestion for hiring part-time police officer.  
Supervisor Scammell said one resident suggested hiring a part-time police officer to enforce this.  
Councilman Bailey said if a part-time police officer is hired, he would recommend he enforce all the laws/ordinances of the Town.  
Councilman Knapp asked if this expanded the constable's position.



Councilmen Bailey and Paul will review the samples when Councilman Knapp is through with them.

#### 9. **UNFINISHED BUSINESS & ACTIVE PROJECTS:**

A. Town of LaFayette urn & tile display case.

Supervisor Scammell advised this has been completed. He read a short article about the receipt of the urn and had a picture of it from September 1957. The display case was given to the town by Sandra and Brian Skeval. He believes it seems good to finally have a place for these artifacts of the Town.

**Councilmen Knapp moved and Paul seconded the motion to send the Skeval's a Certificate of Appreciation for their donation. Motion passed unanimously.**

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

C. Town holiday lighting.

Councilman Knapp said he has the pole numbers and will get them to Mary Jo.

D. Alternate ZBA and Planning Board member appointments.

E. Dell Bush stream naming.

Supervisor Scammell said this is still in process.

F. Speed limit reduction request for Tully Farms Road.

G. Speed limit reduction request for Keough tract.

H. Light Pole request – Route 20 & Ortloff Road.

Supervisor Scammell said this has been completed.

I. Cram Communications, WVOA-AM towers.

- Temporary tower in process.

Supervisor Scammell said there are concerns that the proposed permanent towers might interfere with our own tower.

Kevin Gilligan said with that in mind the Board might want to consider identifying and retaining its own consultant to render an independent opinion of whether there is a risk of interference.

Councilwoman Smith asked if it could determine if there were any health concerns too.

Kevin Gilligan said it could. We would have to look and see if this is an issue we can check into.

Supervisor Scammell said he will contact Dunn & Sgromo to see if they can recommend someone in this area.

Kevin Gilligan said you just need an independent person to review this.

Supervisor Scammell will get a name and price for the next meeting.

Councilman Bailey asked if there was a response from the Onondaga Nation.

Supervisor Scammell said no.

#### 10. **NEW BUSINESS:**

A. Other.

Sue Snavlin said in response to Supervisor Scammell's call about coyotes, she spoke with a couple of gentlemen from ESF. They are going to get some information together and send it to her. She asked if it would be O.K. to purchase a fax/copy/voicemail machine for a cost of \$200.

Mary Jo asked if this cost could be shared with the other towns she represents.

Sue Snavlin will check on this. She asked Captain Bronstad to let the Sheriff’s Dept. know that if there is a dog bite in one of her towns, she would like to be notified as there are things she must do.

Capt. Bronstad said she can contact him anytime for this information.

Councilman Bailey asked if there is any equipment she will need as the Board is entering budget time.

Sue Snavlin said she borrows the large Have-A-Heart trap from Tully when she needs it so she doesn’t think so.

The Town Board was in agreement to put up their share of money for the copier/fax/voicemail machine.

Capt. Bronstad said the website for the decimeter is [www.extech.com](http://www.extech.com).

Marshall Taylor said when leases run out for the computers, the town can buy the computers outright or return them. They could be sold to town residents too. We have 3 coming up in the near future. He would like the Town Board to determine what they would like to do with them.

11. Suggestions for improvement & positive contributions.  
There were none.

12. **Councilmen Knapp moved and Paul seconded the motion to audit and pay the following bills.**

<b>HIGHWAY FUND</b>	<b># 9484 thru 9500</b>
<b>GENERAL FUND</b>	<b>#9501 thru 9540</b>
<b>SPECIAL DISTRICT FUND</b>	<b># 9541</b>
<b>TRUST &amp; AGENCY FUND</b>	<b>#9542 thru 9544</b>

**Motion passed unanimously.**

13. Executive session.  
Not needed.

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

The Town Board Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk