

Minutes of the Town Board Meeting held by the LaFayette Town Board on November 10, 2003, in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 6:30 p.m.

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

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Kevin Gilligan, Town Attorney  
Thomas Chartrand, Bookkeeper  
Marshall Taylor, Assessor/Clerk  
Cindy Heckerman, Sentinel Hgts. Rd.

1. Supervisor Scammell called the meeting to order at 6:30 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to the U. S. Flag led by Town Councilman Tom Bailey.
4. **Councilwoman Smith moved and Councilman Knapp seconded the motion to accept the November 6, 2003, Special Meeting/Public Hearing Minutes as submitted by the Town Clerk. Motion passed unanimously.**

5. **COMMUNICATIONS:**

A. **Residents.**

No one came forward.

B. **U. S. Senator Charles Schumer: 2003 Fire Prevention and Safety Grant Program.**

"...I want to bring your attention to the opening of the Federal Emergency Management Agency's 2003 Fire Prevention and Safety Grant Program. The 2003 program, a part of the 2003 Assistance to Firefighters Grant Program, seeks to address death and injury rates to young children, seniors and firefighters...The 2003 Fire Prevention and Safety Grant Program application period begins today, October 16, 2003, and will close at 5:00 pm EST on November 14, 2003..."

Supervisor Scammell advised he has been working on this.

Councilman Bailey will call the Jamesville Fire District and LaFayette Fire Dept. to let them know about this.

**C. LaFayette Library Board of Trustees: Trustee Appointment.**

"It is with pleasure that we submit the name of David Williams for the position of LaFayette Library Trustee. He will be filling the vacancy left by Kurt Donath who has resigned due to the demands of business and family. We are grateful for his service and are looking forward to having Dave join us. It would be helpful to have his term begin as of January 2004 and end December 2008."

**Councilman Knapp moved and Councilwoman Smith seconded the motion to appoint David Williams to the Library Board of Trustees for a term beginning January 1, 2004 and ending December 31, 2008. Motion passed unanimously.**

**D. Office of the Onondaga County Legislature: 11.03.03 agenda.**

**E. Certified Environmental Services: Water sample.**

Supervisor Scammell noted E-Coli was not present in the water sample from the Optimist Ball Field.

Councilman Knapp asked if this was the well that was fixed.

Supervisor Scammell said the sample was dated 10/8/03.

Leon Cook said the sample was O.K. but he has to put a different seal on the well. It has to have one that has a rubber gasket and is waterproof. He will get it done on the next warm day. They will not be testing again this year. He has to rerun the electric wires and everything for it.

**F. OCRRA: Recycling Information.**

Councilman Knapp said S.O.T.S. will be doing a mailing in the next couple of weeks and will be including this flyer from OCRRA along with phone numbers for people to contact. The flyer will be more in detail than this one.

**G. Other.**

Supervisor Scammell said he received a notice on the 2004 Association of Towns Training School and Annual Meeting. It will be held February 15 through February 18, 2004, in New York City. He will leave the information he has with Mary Jo for anyone who would like to review it.

**6. SPECIAL REPORT: None**

**7. REPORTS:**

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

- 1) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.
  - Junk vehicle status.

- a) IGA – auto sales?
- b) Route 11 North (near McClary Road on right).
- c) Jamesville Apulia (numerous violations just south of Jamesville Beach Park).
- d) Route 91.
- e) Route 11 North, on east side, prior to McClary Road.
- 2851 Webb Road/Gernhardt: 12.31.03 use to be removed.
- 3171 Apulia Road/Ziver: Trailer on west side of Apulia Road just north of Bush Road, notice of nonconformity to be served.
- Apulia Road: Other trailer.
- LaFayette Road, ½ mile north of Route 20. Abandoned vehicles.
- 2) **Dog Control:** Jon Rogers & Sue Snavlin.
- 3) **Highway Superintendent:** Leon Cook.
  - SPDES – awaiting coordinated actions at county level (see J. Dunkle list).
  - Ellabrook Drive (Applewood Acres).
- 4) **Justice:** Malcolm Knapp & Maureen Perrin.
- 5) **Library Director:** Scott Kushner.
- 6) **Recreation Director:** Regina Reinschmidt.
- 7) **Town Clerk:** Mary Jo Kelly.
- 8) **Town Supervisor:** Greg Scammell.

B. **Committee (2<sup>nd</sup> Monday).**

- 1) **Communications & Technology.**
  - Digital Towpath – Demo & Testing to resume
- 2) **Emergency Response.**
  - Defibrillators.

Councilman Bailey will see if the 2003 Fire Prevention and Safety Grant Program will apply to these.

- 3) **Employee Policies & Benefits.**
  - a) Update employee handbook update. Medical Plan.
  - b) Employee Medical Plan contributions.
    - Notice to employees at beginning of year.
- 4) **Environmental & Conservation Advisory Board.**
- 5) **Highway.**

Leon Cook said there is a Safety Meeting tomorrow night and he would like everyone who can make it to come. There's an insurance guy coming in from our compensation insurance company. He will be going over all the training the Highway Dept. has had as they are trying to get the insurance lowered. He will also explain why the LaFayette Fire Department's compensation is on with the rest of the Town.

- 6) **Physical Plant.**

- Roof/ceiling leaks: Library (repair) & Town Offices SW wall (Siding: \$4,200 vs. painting & caulking \$?), new siding or repair/paint old siding?

Supervisor Scammell said the ceiling has been repaired.

- LaFayette Community Center. New side roof estimate. Bid awarded.

Supervisor Scammell said this is currently being repaired.

#### 7) **Recreation & Youth.**

a) Bailey Park.

b) LaFayette Beach.

- New facilities, awaiting Onondaga County Health septic system review.

Councilwoman Smith said the drawings for the septic system have been resubmitted to the County Health Dept. so hopefully we will get something back from them soon so the septic system can be put in. She said if the Town Board has any questions they would like her to ask the insurance man at the Safety Meeting tomorrow night to let her know.

Leon Cook said a woman from Assemblyman Brown's Office was here and said there is \$5,000 funding available for the Town of LaFayette. He suggested the septic system at the beach as a first choice. His second choice was the paving for Weller Road.

Supervisor Scammell said Assemblyman Brown's Office has the information and would like the Town to spend the money first and then be reimbursed.

Leon Cook said it has to be completed by the end of December. He hopes the septic system can be done by then so we can claim it. If not, we will have to claim the funding for Weller Road. The work must be done before you can claim the money.

- Survey/transfer LaFayette Beach from LCC to town.

c) Stafford Park.

#### 8) **Safety.**

#### 9) **Senior Transportation & Housing.**

#### 10) **Service Awards.**

Councilman Knapp asked Kevin Gilligan if he had received information from Penflex.

Kevin Gilligan said yes. Basically it is just giving the Town the bill for the standard stuff. There will be a Part II of the bill later. The other information addresses new laws. Apparently the New York State Law has been amended to allow the post-entitlement age. It does require a plan amendment which requires a referendum. There are other things being considered too. They discuss an increase in the point system. He doesn't know if this can be done without a referendum as it would change the plan too. He would like to look at the plan and see how the Town fits into it.

Councilman Paul asked if the people that actually got the 5-year buyout would be covered under this.

Kevin Gilligan said they appear to be but he will have to check and see how it would work. Right now it's so unclear they are recommending no one do anything until there are clarifications of the law.

11) **SOTS/OCCRA Liaison.**

12) **Water.**

- U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan.

Supervisor Scammell said the Preliminary Restoration Plan is still in the works.

13) **Zoning Review.**

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

Supervisor Scammell said he has requested some information from Senator Hoffman's Office regarding private horse stables and is waiting for the information.

- Corridor Plan.

## **8. LITIGATION & OTHER LEGAL MATTERS.**

### **A. Watson v. Town of LaFayette.**

Supervisor Scammell said they have been given until December 19<sup>th</sup> to file their paperwork for the Appeal.

### **B. LaFayette Hotel/Mr. Muraco's project at the four corners & DEC septic approval.**

Supervisor Scammell said no progress has been made that he is aware of. He did receive a call from the DEC stating they are moving on it but that is all they said. He has not heard anything from Mr. Muraco.

### **C. PILOT agreement at Festival Gardens.**

- Letter to Carlyle Smith.

Supervisor Scammell said there has been no response to his letter yet.

### **D. Noise/nuisance ordinance.**

- Review samples.

Supervisor Scammell asked the Board if they had made notations on the samples on what they do and don't want to see in the ordinance. He would suggest they have a short work session at the end of this meeting.

### **E. Nonconforming Uses Moratorium.**

Supervisor Scammell said every Board Member has received the information from John Langey in his June letter. He asked the Town Board to consider these amendments for the next meeting.

Councilman Knapp asked if these amendments are what John Langey is proposing.

Kevin Gilligan said the ones being proposed are pretty much the standard approach in other places. When they looked at the LaFayette Ordinance, it basically says you can change a non-conforming uses to another non-conforming use. You don't want to leave it that open. Normally you can maintain the non-conforming use as long as you are there and you can usually, with permission, do some form of alterations or modifications to it. Eventually they want a non-conforming use to disappear someday. When you allow basically anything to replace it, it destroys the idea of a comprehensive plan because you are opening it to any other non-conforming use.

Councilman Paul asked about the 6 month timeframe for discontinuance.

Kevin Gilligan said normally if there is a period of time the non-conforming use is not being used, it is discontinued. The way the ordinance currently reads, it might not be in use for 20 years and with a specific permit, it could be used again.

Marshall Taylor said if he owns a commercial building or land and gets a building permit and continues to renew the building permit, would he grandfather in a non-conforming use?

Kevin Gilligan said you shouldn't be able to extend a building permit for more than 6 months. A building permit doesn't preserve your rights.

Marshall Taylor said so if he got a building permit, he would be required to build under the current zoning regulations.

Kevin Gilligan said that is correct.

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

### A. **Time-Warner Cable TV franchise renewal.**

### B. **Town holiday lighting.**

This will be checked into to be sure it has been competed.

### C. **Alternate ZBA and Planning Board member appointments.**

Supervisor Scammell said he would like to discuss this in Executive Session later in the meeting.

### D. **Dell Bush stream naming.**

### E. **Speed limit reduction request for Tully Farms Road.**

Nothing has been received from the D.O.T.

**F. Speed limit reduction request for Keough tract.**

Nothing has been received from the D.O.T.

**G. Cram Communications, WVOA-AM towers.**

- Engineering study performed by Cram to be reviewed by independent consultant, pertaining to impact on Groth Road Communications Tower.

Neither Supervisor Scammell or Kevin Gilligan have heard anything from them.

**H. Groth Road Communications Tower Inspection.**

Supervisor Scammell said the letter has been sent to Mr. Dixon and he expects he will be inspecting the tower shortly.

**10. NEW BUSINESS:**

**A. Other.**

Leon Cook is afraid some day under EPA, there will be a problem on Clark Hollow Rd. If you start on Clark Hollow at the Cascade Rd. intersection and go south on Clark Hollow, there's a serious problem.

Supervisor Scammell said it was manure.

Leon Cook said yes. The property owner has also been running his tractor on the shoulders of the road and they are now very soft. He is afraid if a car goes off onto the shoulder now, the driver could loose control and end up in the ditch because the shoulder is so soft. He asked Kevin Gilligan if he had any suggestions on what to do.

Kevin Gilligan asked if it's too late to repair the shoulder of the road.

Leon Cook said if it's a danger to traffic, you have to do something. It will be expensive as both sides will have to be done for about 1/2 mile. It's going to be freezing so maybe he can take a machine up there to smooth the shoulders up a little and ask the farmer to stay off of them. It goes almost to Fred Emery's house.

Kevin Gilligan would recommend Leon Cook stop and see the gentleman and ask him to stop riding on the shoulders of the road.

Leon Cook said he asked him to clean the road up once before from all the manure on it and the gentleman tore the road up trying to clean it.

Supervisor Scammell asked if this is something illegal or if it's undesirable?

Kevin Gilligan said Leon Cook could ask the State Police to look at the road when it's torn up. If he is creating a safety issue on the road, they might ticket him. He asked if Leon Cook wanted to try to handle it informally or if he would like Kevin to draft a letter up for him to sign.

Leon Cook said to give him two weeks to see if he can handle it. If Ralph Lamson went down there and said something, he doesn't think the owner would

take Ralph seriously. He will try to handle this. If a couple of the Board Members would like to drive through there, they can see what he's talking about.

Supervisor Scammell said he has been down there and knows what Leon Cook is talking about.

Councilman Bailey said there is a section in the D.O.T. Law that pertains to farm equipment.

Kevin Gilligan said if Leon Cook needs to, he can report it to the Troopers. Leon Cook will try to get it straightened out.

Leon Cook said he found out about the bridge on Palladino Rd. They only have two men working on it. The rest of the crew are on the schedule for plowing and sanding. They have a contractor coming in Thursday or Friday to put the blacktop down. Once they get that done, they will have some guardrailling to do but they will open the bridge back up. Hopefully, if the weather isn't real bad, it should be opened back up next week. He's been getting a lot of phone calls on this.

11. There were no suggestions for improvement & positive contributions.

**12. Councilman Knapp moved and Councilwoman Smith seconded the motion for the Town Board to go into Executive Session to discuss a contractual matter and an employee matter and to include the town attorney. Motion passed unanimously.**

The Town Board went into Executive Session at 7:05 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 9:07 p.m.

**Councilman Knapp moved and Councilwoman Smith seconded the motion authorizing counsel to copy Board Member Elect William McConnell on all correspondence henceforth. Voting was as follows:**

<b>Supervisor Scammell</b>	<b>Aye</b>
<b>Councilman Paul</b>	<b>Aye</b>
<b>Councilwoman Smith</b>	<b>Aye</b>
<b>Councilman Knapp</b>	<b>Aye</b>
<b>Councilman Bailey</b>	<b>Aye</b>

**Motion passed unanimously.**

**Councilmen Knapp moved and Bailey seconded the motion to appoint Brad Bush as the Alternate Planning Board Member. Voting was as follows:**

<b>Supervisor Scammell</b>	<b>Aye</b>
<b>Councilman Paul</b>	<b>Aye</b>
<b>Councilwoman Smith</b>	<b>Aye</b>



**Councilman Knapp**  
**Councilman Bailey**

**Aye**  
**Aye**

**Motion passed unanimously.**

It was decided salary for the position would be pro-rated.

**13. Councilmen Knapp moved and Bailey seconded the motion to audit and pay the following bills:**

<b>GENERAL FUND</b>	<b># 9904 to 9952</b>
<b>HIGHWAY FUND</b>	<b>#9893 to 9903</b>
<b>SPECIAL DISTRICT FUND</b>	<b>#9967 to 9968</b>
<b>TRUST &amp; AGENCY FUND</b>	<b>#9969 to 9974</b>

**Motion passed unanimously.**

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

The Town Board Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk