

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

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

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Kevin Gilligan, Town Attorney  
Marshall Taylor, Assessor/Clerk  
Thomas Chartrand, Bookkeeper  
Anne Smith, Historian  
Jim Nakas, Chairman Planning Board  
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 Councilwoman Sandy Smith.
4. **Councilmen Paul moved and Knapp seconded the motion to accept the November 24, 2003, Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **COMMUNICATIONS.**
  - A. **RESIDENTS.** No one came forward.
  - B. **SYRACUSE POST STANDARD:** 11.21.03: October/03 CNY Unemployment.
  - C. **ONONDAGA COUNTY DEPARTMENT OF PERSONNEL: Section 71 Amendment.**

“Amendment to Section 71 of Civil Service Law. On September 22, 2003, Governor Pataki signed Chapter 577 of the Laws of 2003, which amends Section 71 of the Civil Service Law regarding separation from the service due to an occupational disability. The legislation adds a new provision which requires that an employee who has been separated from the service by reason of a disability resulting from an assault sustained in the course of his/her employment shall be entitled to a leave of absence of at least two years, unless the disability permanently incapacitates the employee from the performance of the duties of the position...”
  - D. **CNNMONEY: TOP HOUSING MARKETS** (Syracuse, 14<sup>th</sup> best).

Supervisor Scammell noted Syracuse is ranked 14<sup>th</sup> which is higher than Rochester or Buffalo.

**E. ASSOCIATION OF TOWNS: TRAINING SCHOOL FOR NEW OFFICIALS.**

“...is sponsoring a series of three-day training schools for newly elected town supervisors...The 2004 Annual Training School & Annual Meeting of the Association of Towns of the State of New York will take place in New York City, February 15-18, 2004...”

Supervisor Scammell noted that the Association of Towns took position nor opposed the pension costs handed down to the towns.

Kevin Gilligan said at last years Association of Towns Annual Meeting Mr. Hevesi announced the retirement rates would be going up. That was the first time they publicly addressed any knowledge of it.

**F. NYS DOT: TULLY FARMS ROAD SPEED LMIT REQUEST REJECTION.**

“...we have determined that a reduced speed limit is not appropriate at this time...”

**G. SELECTIVE WAY INSURANCE COMPANY: ENDORSMENT AMENDMENT.**

Councilman Knapp recommended Leon Cook review these insurance documents to be sure the information is all correct.

Supervisor Scammell believes the figures listed for the vehicles are the maximum limit they will pay out.

**H. TOWN CLERK MARY JO KELLY: BUDGET REQUESTS FOR TRAINING.**

Supervisor Scammell noted requests must be submitted to Mary Jo by December 31<sup>st</sup>.

**I. OTHER.**

Supervisor Scammell reviewed the increase in pension for the county, city, etc.

Councilman Knapp asked if this included the teachers retirement.

Supervisor Scammell said no. That is separate and will be coming next year. The Town of LaFayette went from \$4,834 last year to \$27,916 this year and next year will be \$55,319. The City of Syracuse is going from 6.2 million last year to 16 million next year. The County of Onondaga is going from 2.4 million to 24 million next year. These increases will be coming through the town, county, and next year through the school taxes.

6. **SPECIAL REPORT:** None.

7. **REPORTS:**

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

1) **Building & Zoning Code Enforcement:** Ralph Lamson & Jack Sutton.

A written report was submitted on zoning violations. One letter was sent out for

3394 Route 11. 4 Notices of Nonconformity were sent. 4 Tickets were issued and 1 ticket is pending.

Councilman Paul asked if the Town Board will be notified of the outcome when they go to court.

Supervisor Scammell said Ralph Lamson has reported on these in the past when the Board has asked.

- **Junk vehicle status.**  
Supervisor Scammell submitted a spreadsheet of various violations.
  - a) **Route 11 North (near McClary Road on east side).**
  - b) **Jamesville Apulia (numerous violations just south of Jamesville Beach Park).**
  - c) **Route 91.**
  - d) **LaFayette Road, 1/2mile North of Route 20. Abandoned autos.**
  - e) **Route 20 & Tully Farms Road.**
  
- **Other violations.**
  - a) **2851 Webb Road/Gernhardt: 12.31.03 use to be removed.**
  - b) **3171 Apulia Road/Ziver: Trailer on west side of Apulia Road just north of Bush Road, notice of nonconformity to be served.**
  - c) **Apulia Road: Other trailer.**
  - d) **Amidon Road (Daniels) – living in tent.**
  - e) **Route 20 & Tully Farms Road – lumber & auto sales?**
  
- 2) **Dog Control:** Jon Rogers & Sue Snavlin.  
No report submitted.
  
- 3) **Highway Superintendent:** Leon Cook.
  - **SPDES** – awaiting coordinated actions at county level.
  - **Ellabrook Drive (Applewood Acres).**
  - **Weller Road (200' paving) grant from NYS Assemblyman Brown workup.**
  
- 4) **Justice:** Malcolm Knapp & Maureen Perrin.  
There were 277 cases heard and \$25,425 was turned over to the town.

Supervisor Scammell said they have submitted a letter stating Maureen Perrin and Eva Palmer would like to attend the Annual Association of Towns School which will fulfill their required training. A budget request will follow.

Supervisor Scammell said they have submitted a letter requesting they be allowed to accept payment by credit card. "...We have found that there are many advantages to accepting credit cards which are: 1) Reduces redundant handling of case. 2) Facilitates settlement and disposition of cases. 3) Reduces 'scofflaws'. 4) Provides immediate in-full payment by defendant. 5) Possibly eliminates taking personal checks. 6) Enhances settlement of case for travelers..."

Councilman Bailey asked if the 2% fee mentioned could be passed on to the payer. Are multiple cards allowed?

Marshall Taylor requested the town create an ordinance for this.

Councilman Bailey believes it would discourage delinquency.

Thomas Chartrand said it would probably save a lot in postage.

Councilman Knapp said Judge Perrin mentioned this was why they were down a little because they hadn't collected some fines. He noted they are requesting to try it on a 6 month trial basis.

Supervisor Scammell said another question is how much is uncollected in fines now.

Councilman Knapp said the biggest savings would probably be in the postage besides actually collecting the money.

Supervisor Scammell said the questions to be answered are: 1) Can we pass the 2% on or not. 2) The number of vendors. 3) General number for potential postage savings. 4) How much has not been collected. 5) Is the credit card dialing long distance or an 800 number?

- 5) **Library Director:** Scott Kushner.  
No report was submitted.
- 6) **Recreation Director:** Regina Reinschmidt.  
No report was submitted.
- 7) **Town Clerk:** Mary Jo Kelly.  
A written report was submitted for November.
- 8) **Town Supervisor:** Greg Scammell.  
A written report was submitted for November.

**Councilman Knapp moved and Councilwoman Smith seconded the motion to approve the following transfers:**

**LIBRARY FUND**

<b>To:</b>	<b>L7415.4 Library Operations (Non-Book) Contractual</b>	<b>\$1,100.00</b>
	<b>L7431.4 Library Operations (Telephone) Contractual</b>	<b>\$ 400.00</b>
	<b>L7433.4 Library Operations (Postage) Contractual</b>	<b>\$ 900.00</b>
	<b>L7435.4 Library Operations (Travel) Contractual</b>	<b>\$ 100.00</b>
	<b>L9050.8 Unemployment Insurance Employee Benefits</b>	<b>\$ 100.00</b>
	<b>L9060.8 Health Insurance Employee Benefits</b>	<b><u>\$ 210.00</u></b>
	<b>TOTAL</b>	<b>\$2,810.00</b>

<b>From:</b>	<b>L7411.1 Library Operations (Staff) Personal Services</b>	<b>\$1,400.00</b>
	<b>L7410.2 Library Operations Equipment</b>	<b>\$1,010.00</b>
	<b>L9030.8 Social Security Employee Benefits</b>	<b><u>\$ 400.00</u></b>
	<b>TOTAL</b>	<b>\$2,810.00</b>

**GENERAL FUND**

<b>To:</b>	<b>A1110.2 Justices Equipment</b>	<b>\$ 400.00</b>
	<b>A1110.4 Justices Contractual</b>	<b>\$1,000.00</b>
	<b>A7510.4 Historian Contractual</b>	<b>\$ 100.00</b>

<b>A8160.4 Refuse &amp; Garbage</b>		<b><u>\$2,200.00</u></b>
	<b>TOTAL</b>	<b><u>\$3,700.00</u></b>
<b>From: A1620.2 Buildings Equipment</b>		<b><u>\$3,600.00</u></b>
<b>A7550.4 Celebrations Contractual</b>		<b><u>\$ 100.00</u></b>
	<b>TOTAL</b>	<b><u>\$3,700.00</u></b>
<b>HIGHWAY FUND</b>		
<b>To: DA5110.4 Repairs Contractual</b>		<b><u>\$4,000.00</u></b>
<b>DA5142.4 Snow Removal Contractual</b>		<b><u>\$4,000.00</u></b>
	<b>TOTAL</b>	<b><u>\$8,000.00</u></b>
<b>From: DA5110.1 Repairs Personal Services</b>		<b><u>\$8,000.00</u></b>
	<b>TOTAL</b>	<b><u>\$8,000.00</u></b>
<b>SPECIAL WATER DISTRICT FUND</b>		
<b>To: SW8340.4 Transmission &amp; Distribution Contractual</b>		<b><u>\$540.00</u></b>
	<b>TOTAL</b>	<b><u>\$540.00</u></b>
<b>From: SW599 Surplus</b>		<b><u>\$540.00</u></b>
	<b>TOTAL</b>	<b><u>\$540.00</u></b>

**Motion passed unanimously.**

**Councilmen Knapp moved and Bailey seconded the motion to authorize the supervisor to make any end of the year transfers necessary. Motion passed unanimously.**

Thomas Chartrand submitted a spreadsheet showing the breakout for PERMA's renewal quote. He believes we will be alright with the overall total. In the overall budget, the Highway Dept. will be a little tight. We are doing real well in the General. Special Districts are on target. The library will be at 0 by the end of the year.

Tom Chartrand believes it was about 15% lower than he budgeted so we are probably about \$45,000 with the fire department included. This is about an 8 – 10 % increase. The good news is the health insurance didn't go up as much as we thought it would. We budgeted 15% and it came in at about 8%.

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

Leon Cook asked if Supervisor Scammell had any paperwork for him to complete for the Weller Road grant.

Supervisor Scammell said he will contact Assemblyman Brown's office tomorrow to get it for him.

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

**1) Communications & Technology.**

- **Digital Towpath** – Demo & Testing to resume .
- 2) **Emergency Response.**
    - **Defibrillators .**
  - 3) **Employee Policies & Benefits.**
    - a) **Employee Medical Plan contributions change** – notice to employees.
  - 4) **Environmental & Conservation Advisory Board.**
  - 5) **Highway.**
  - 6) **Physical Plant.**
    - Town Offices SW walls, scheduled for Spring, 2004.
  - 7) **Recreation & Youth.**
    - a) **Bailey Park.**
    - b) **LaFayette Beach.**
      - **New facilities awaiting Onondaga County Health septic system review.**

Councilwoman Smith advised everything is in process now. Written approval has been received from the County Health Dept. for the septic system and Mike Cook will be getting it in as soon as possible.
      - **Survey/transfer LaFayette Beach from LCC to town.**
    - c) **Stafford Park.**
  - 8) **Safety.**
  - 9) **Senior Transportation & Housing.**
  - 10) **Service Awards.**
  - 11) **SOTS/OCCRA Liaison.**

Councilman Knapp said a mailer will be going out this week updating OCRRA's rules and the rates, etc.
  - 12) **Water**
    - **U.S. Army Corps of Engineers/Jamesville Reservoir** – Preliminary Restoration Plan.
  - 12) **Zoning Review.**
    - **Digitized zoning map.**

- **Misc. review: Private (single?) & public horse stables** – Under review. Supervisor Scammell advised he has printed off a bunch of information regarding horses. He also got some information from Cornell Cooperative Extension regarding private horse stables to give the Board some guidance. Councilwoman Smith has the information right now.

- **Corridor Plan.**

- **Small Subdivision Guidelines** – Under Review.

Supervisor Scammell said we have discussed having a simple subdivision.

We would like to make it as easy as we can.

Councilman Knapp said for example, moving a lot line. He believes in the Pompey guidelines, there is something stating a lot line change could be reviewed and approved by the Code Enforcement Officer.

Kevin Gilligan said he received the Pompey guidelines last week and has started reviewing them. He will get some input from John Langey as he is at the Planning Board Meetings. The big question is what can we do without the requirement of a public hearing which is a state statute. The question is how far can we go without the public hearing.

Marshall Taylor said his concern with a subdivision is that anyone can divide their lots, file the deeds, file the survey and get new tax map numbers and never file for a subdivision with the town. He's talked to tax mapping and the state about this and they say it's a town issue. If he can go ahead and subdivide his land and sell the lots, what does it do for our rules?

Kevin Gilligan said if you go to sell the property, you won't be able to. They have run into this problem in other towns too. The county should not accept these filings without proper documentation. Someone at the county should be making sure a subdivision approval has been given before filing is accepted.

Jim Nakas believes the attorney is right when he says the danger is when you go down the road and the land becomes unable to be sold as they can't get a mortgage. It's easier to prevent this problem in the beginning.

Councilman Bailey believes County Planning could put a proposal together to plug this hole.

Kevin Gilligan believes that would be a great place to see if they are willing to tackle this issue.

Supervisor Scammell asked Kevin Gilligan to draft up some simple guidelines for the smaller or simpler subdivisions.

Kevin Gilligan will and he will check with John Langey on this.

Supervisor Scammell said the 3 things we are talking about are private horse stables and trying to determine if we need guidelines for those, smaller subdivisions and non conforming uses.

Jim Nakas would like to see someone address the issue of two property owners just wanting to move a lot line between them. Why they should have to go through a subdivision seems crazy to him.

Kevin Gilligan said he will be looking into amending the towns definition of subdivision to take care of this.

Jim Nakas believes it's not right for them to have to pay the fees equal to someone creating lots to sell. No one will be making a profit from changing a lot line between two neighbors.

- **Nonconforming Uses** – Under Review.

Supervisor Scammell said the Board received some suggested language from John Langey on these.

These suggestions will be referred to Ralph Lamson, Jim Nakas and Steve Beggs for their input.

## 7. **LITIGATION & OTHER LEGAL MATTERS:**

### A. **WATSON v. TOWN OF LAFAYETTE** (60 days = 12.19.03).

Kevin Gilligan said their papers are due on the 19<sup>th</sup>.

### B. **LAFAYETTE HOTEL/MR. MURACO'S PROJECT AT THE FOUR CORNERS & DEC SEPTIC APPROVAL.**

Supervisor Scammell said he has had some conversations with the DEC on this and is hopeful we are moving forward.

### C. **PILOT AGREEMENT AT FESTIVAL GARDENS.**

- **Letter to Carlyle Smith** – awaiting response.

Kevin Gilligan said he received a phone call from their office asking what the town requires. He advised them basically what was in the letter and they said it would be forthcoming.

### D. **NOISE/NUISANCE ORDINANCE.**

- **Board member input Y/N, & details.**

Supervisor Scammell said the Board has reviewed the examples that were submitted and made some notes on them. Is there a general consensus that the Board would like a noise ordinance?

Councilman Bailey said nay.

Councilman Knapp is leaning that way. His concern is that if there's something already out there that would cover this, why do we need it? He doesn't want to see this used as a tool for neighbor against neighbor disputes.

Councilman Paul believes what started the whole thing originally is when a party gets to be 250 – 350 people. He thinks the mass gathering starts it all.

Councilman Bailey said disorderly conduct is broad at defining noise as an inconvenience to the public. If someone has a loud party and the sound carries over, a law enforcement officer can determine whether this is an inconvenience to the public. You have to take into consideration whether the event would be a one-time event. For example, whether it's a graduation part, 18<sup>th</sup> birthday party, etc. If you have a repeat offender, the police can go in and bust up the party. Whether or not the ordinance is on the books locally, there's a way to deal with the situation.

Councilman Knapp asked about the problem Mr. Freund and the neighbors were having on Sentinel Hgts. Rd. with the particular resident having the loud music, racing around, etc.

Councilman Bailey said you have two police forces and if there are multiple calls, they may be running low on manpower.

Councilman Knapp asked if a law on the books would change anything.



Councilman Bailey said if you have a local ordinance on the books, unless the deputy gets there and witnesses the event, there's not much he can do.

Supervisor Scammell said it appears nothing will touch the occasional noise situation. Whether we have the ordinance or not, unless a law enforcement officer witnesses the situation, nothing can be done.

Councilman Bailey said under the NYS Penal Law, it addresses noise but does not mention decibel levels.

Marshall Taylor doesn't believe law enforcement would show up immediately for a complaint regarding noise.

Kevin Gilligan said a noise ordinance could be enforced by either law enforcement or your local Code Enforcement Officer.

Councilman Paul asked if the mass gathering permit could be amended to address this.

Supervisor Scammell asked what about the instance where the person doesn't apply for one? He asked Councilman Bailey if he would be opposed because it would be redundant.

Councilman Bailey said no. His thinking is that the Town of LaFayette is too rural of a community to justify the density of the population to support a noise ordinance. The Town of Onondaga or DeWitt have the population to justify one. He doesn't believe the Town of LaFayette does.

**E. LYNN HUTTON/SUMMER RIDGE** – awaiting deed & dedication.

Kevin Gilligan said there are some title insurance issues which they are resolving and a copy of the original easement for the detention basin has not been received. They are trying to track it down.

**F. DISTURBANCES AT 6208 DODGE ROAD.** Letter to Mr. Geiger.

The Board was in agreement that a letter should be sent. The Code Enforcement Officer or Town Attorney will send the letter.

**G. WORKER'S COMP. & PERMITS.**

Kevin Gilligan said this correspondence was from the State Worker's Compensation Board. It basically informs the town what its responsibilities are. Ralph Lamson must require builders to show they have adequate worker's compensation. We are obligated under law to be looking at that. There is an exemption for 1, 2 and 3 family dwellings which will probably take care of most of what Ralph sees. He will be sending Ralph a memo of what it all means. He will be reviewing the Incidental Contract to see what needs to be amended on it.

Leon Cook said on the schedule of equipment from Selective Insurance, he has to review the prices. He noticed the insurance is supposed to be in place the first of March and on some of the items it starts in November. He will call them and try to get this straightened out. It looks like some items are on here and some are not.

**8. UNFINISHED BUSINESS & ACTIVE PROJECTS:**

**A. TIME-WARNER CABLE TV FRANCHISE RENEWAL.**

**B. ZBA ALTERNATE MEMBER APPOINTMENT.**

**C. DELL BUSH STREAM NAMING.**

Supervisor Scammell said this is now at the federal level.

**D. SPEED LIMIT REDUCTION REQUEST:**

- **Tully Farms Road** – Rejected.
- **Keough Tract.**
- **Route 91.**

**E. CRAM COMMUNICATIONS, WVOA-AM TOWERS.**

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

**H. GROTH ROAD COMMUNICATIONS TOWER INSPECTION.**

Supervisor Scammell said no report or bill have been received yet.

**I. ASSOCIATION OF TOWNS 2004 TRAINING SCHOOL & ANNUAL MEETING.** Attendees.

**10. NEW BUSINESS:**

**A. VOUCHER STANDARDS.**

Tom Chartrand submitted information on what is required.

Supervisor Scammell will draft up a letter stating to please follow the guidelines. He will revise the mileage form.

**B. OTHER.**

**11. Suggestions for improvement or positive contributions.**

Councilman Bailey said he just recently visited a new establishment in Jamesville. It's called Leader and it has a pharmacy, groceries, cameras, etc. He would recommend anyone to stop in there.

**Councilmen Paul moved and Knapp seconded the motion for the Town Board to go into Executive Session to discuss a personnel matter. Motion passed unanimously.**

The Town Board went into Executive Session at 8:33 and Supervisor Scammell called the Regular Town Board Meeting back to order at 9:55 p.m.

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

<b>GENERAL FUND</b>	<b>#181, 202 through 233</b>
<b>HIGHWAY FUND</b>	<b>#182 through #201</b>
<b>SPECIAL DISTRICT FUND</b>	<b># 234</b>

**TRUST & AGENCY FUND**  
**Motion passed unanimously.**

**# 235**

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

The Regular Town Board Meeting adjourned at 9:56 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk