

Minutes of the Regular Town Board Meeting held by the Town Board of the Town of LaFayette on January 12, 2004 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Gregory Scammell, Supervisor
Sandra Smith, Councilwoman
Thomas Bailey, Councilman
William McConnell, Councilman

Absent: David Knapp, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Marshall Taylor, Assessor/Clerk
Kevin Gilligan, Town Attorney
Thomas Chartrand, Bookkeeper
Sue Snavlin, Dep. DCO

1. Supervisor Scammell called the meeting to order at 6:35 p.m.
2. The Town Clerk took the Roll. Councilman Knapp absent. All else present.
3. Councilman Bailey led in the Pledge to the U.S. Flag.
4. **Councilwoman Smith moved and Councilman Bailey seconded the motion to accept the December 8, 2003 Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**

Councilmen McConnell moved and Bailey seconded the motion to accept the January 5, 2004 Organizational Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.

5. **COMMUNICATIONS.**

A. Residents.

No residents came forward.

B. Martin Luther King, Jr. Celebration 2004 Committee.

It was noted it is too late for nominations.

C. Onondaga County Legislature: Mortgage Tax Apportionment.

Supervisor Scammell said this was more than we expected it to be. Tom Chartrand said we tend to be conservative at budget time on this.

It's based on 1% of all mortgages. We don't get the full share for LaFayette.

D. Onondaga County Legislature: Water District Special Assessment Apportionment.

Supervisor Scammell advised this is regarding the allocation of 2004

Onondaga County Water District Special Assessment among zones of assessment and fixing composite rates for the several towns and the city of Syracuse within said district. The Town of LaFayette is .0927 or .0926 per \$1,000 of assessed valuation.

E. OCWA: 2004 Rate increase.

“...Like most agencies, the Onondaga County Water Authority has also experienced increases related to all lines of insurance, health insurances and employer pension contributions to the New State Retirement System...Driven by the aforementioned external cost increases, the OCWA Board of Directors has approved new rates for 2004. Residential, commercial and wholesale customer rates will increase 15%, effective January 1, 2004. Private fire protection rates will be increased by 5%, effective on January 1, 2004. Public fire protection rates will increase 3%, effective September 1, 2004, which allows the impacted towns and villages to budget accordingly...With respect to the 15% increase being passed on to residential, commercial and wholesale customers, while the percentage appears large, the actual quarterly cost increase for an average residential user (using 22,000 gallons per quarter) is \$5.93 or \$1.97 per month. For customers using a minimum of 8,000 gallons per quarter, their quarterly increase is \$2.57 or 86 cents per month...”

F. NYS ORPS: 2003 Triennial Aid.

“Section 1573 of the Real Property Tax Law authorizes payment of state monetary assistance to municipalities which maintain systems of improved real property tax administration that meet standards established by the State Board of Real Property Services. I am pleased to inform you that the Town of LaFayette has met those standards and is eligible for a Triennial Aid payment based on its 2003 Final Assessment Roll. Since your municipality completed a reassessment on the 2003 assessment roll, you are eligible for Triennial Aid in the amount of \$5.00 per parcel. A State Aid Voucher in the amount of \$12,010.00 has been forwarded to the office of the State Comptroller for payment. The aid payment was computed based on a parcel count of 2,402, which was

extracted from you 2003 15-C file. Congratulations to your assessor and your county's Director of Real Property Tax Services for maintaining a system of real property tax administration which meets the highest standards set by the state. Efforts such as theirs are essential to guarantee equity and fairness to the taxpayers of your municipality. This assistance will help your assessor to continue to maintain the quality effort evidenced on the 2003 Final Assessment Roll..."

Supervisor Scammell thanked Mary Doster, Bernard Aungier, Marshall Taylor and Larry Fitts for the fine job they did.

Tom Chartrand said the Town has received these funds.

G. Bond, Schoeneck & King: Festival Gardens PILOT Program.
This will be discussed later in the meeting.

H. Onondaga County Executive Nicholas Pirro: Onondaga County Inter-municipal Consortium – NYS pension costs.

"At the December 4, 2003 meeting of the Onondaga County Intermunicipal Consortium, the group discussed State pension cost increases and their effect on local municipalities. As a result of the discussion, the Consortium, which is comprised of all town and village supervisors and mayors as well as the City and County, has requested that a meeting be arranged with our State Legislative Delegation to convey the concerns of localities regarding this issue. The Consortium members would like to meet with you personally. Therefore and on behalf of the entire Consortium, I am requesting your attendance at a meeting scheduled for Friday, December 19, 2003 at 8:30 a.m. at the Oncenter, Meeting Rooms 4 & 5. Following this meeting, the Consortium will be holding a press conference to detail its concerns to the public..."

Supervisor Scammell said the meeting was held.

I. Onondaga County Department of Health: LaFayette Public Water supply sample.

Supervisor Scammell said the water at the Library tested satisfactorily and of sanitary quality.

J. OCRRA: Holiday tips.

Supervisor Scammell said this deals with recycling wrapping paper, the next computer and TV drop off will be Saturday, January 17th at the Ley Creek Transfer Station, and household batteries can be dropped off at any Wegmans service counter. It also tells how to recycle your Christmas Tree.

K. Onondaga County Legislature: 12.01.03 agenda.

Supervisor Scammell advised the only areas of interest for LaFayette were the public hearings for real property tax exemptions for persons with disabilities and for persons 65 years of age and over with limited income.

- L. NYS Comptroller's Office: Special district cost thresholds.
"Please find attached a listing of the average estimated cost thresholds

for your use in determining whether approval of the State Comptroller is necessary for certain special district actions in the year 2004...The following average estimated costs apply to town special district establishments, extensions, or increases in the maximum amount to be expended. Towns must use the total cost to the typical property or, if different, the typical one or two family home, exclusive of hook-up fees. Sewer: \$550. Water: \$621.

- M. NYS Senator John DeFrancisco: NYS Common Retirement Fund.
"...It is important to remember, however, that the employees and retirees

for whom these expenditures are made by local government are municipal employees and retirees, not state employees...The notion of changing the formula to a flat rate every year is a good one...The total amount presently needed to keep the pension fund whole (\$111 billion) in the coming fiscal years is approximately \$3 billion..."

- N. Onondaga County Legislature: 2004 Town & County Tax Rates.

Town	\$4.2106
County	<u>\$5.6705</u>
Total	\$9.8811

- O. Syracuse Post-Standard, 12.19.03, E-1: November, 03 Employment.

"The Syracuse area gained 1,000 jobs in November...Cayuga, Madison,

Onondaga and Oswego counties managed an overall gain of 1,000 jobs even though the manufacturing sector lost 2,100 jobs...Despite the overall gain in jobs, the area's unemployment rate rose to 5.9 percent in November...the seventh consecutive month in which the jobless rate rose compared with the same month last year...The leisure and hospitality sector enjoyed the largest gain. It was up 1,600 jobs...But manufacturing companies employed 2,100 fewer people. The area lost 5.1 percent of its factory jobs since November 2002..."

Supervisor Scammell noted our unemployment rate is higher than Binghamton and Albany and lower than New York City and the state average.

P. Time Warner Cable: Disagreement w.Cablevision Systems (Fox Sports NY & MSG Network).

“I am writing to inform you of a disagreement between Time Warner

Cable and affiliates of Cablevision Systems which may result in the discontinuance of carriage of Fox Sports New York and the MSG Network on Time Warner’s cable system in your community...”

Q. SUNY ESF: Service Learning Initiative.

“Does your agency or community have projects that might be well-suited for ESF’s service-learning initiative? Does a local park need a trail guide? Is advice needed on how best to use green space in a particular area? Does a local neighborhood need revitalization? Let our students help! Greetings from SUNY College of Environmental Science and Forestry (ESF)! It is with enthusiasm and a spirit of collaboration that I write to inform you about our institution’s service-learning initiative. SUNY ESF has a long tradition of involvement in the local community. However, our service-learning initiative allows us to formalize our efforts and work most directly with community members and agencies to meet their specific needs. Projects may range from relatively simple to more complex and the duration of projects can vary from one day to entire semester...”

Supervisor Scammell noted they have a website and have enclosed a brochure to learn more about their program.

R. NYS DOT: Traffic study request by Town Supervisor.

“Thank you for your recent letter regarding your request that a traffic study be undertaken at the subject location...”

Supervisor Scammell said this is for the Route 11 and Route 20 intersection. The traffic backs up from the west to the traffic light which a complaint by many residents. They will have to do a study on this.

S. Onondaga County Executive Nick Pirro: Pension costs.

“To summarize discussions from our December 19th Consortium meeting, pension costs for our 19 towns, the City of Syracuse and Onondaga County will rise by nearly ten fold – from \$4.6 million to over \$44 million – over a twenty-four month period. As we all agree, local governments and property taxpayers simply do not have the capacity to absorb that kind of abrupt shock in the property tax rates. As we agreed, the Consortium is asking Albany and our State delegates to assist with efforts to establish a 10-year phase in period for the increase. Enclosed please find copies of the draft resolution which we hope you will have

passed soon by your respective boards, as well as a copy of the article which appeared in the December 20th edition of the Post Standard....”

The Board reviewed the resolution.

Marshall Taylor asked if the increase would be passed on to the property tax.

Supervisor Scammell said no. Right now they are saying the Town can borrow the money for one year. Instead, this is requesting they phase it in over 10 years.

Marshall Taylor said it would be phased into the property taxes.

Supervisor Scammell said yes.

Tom Chartrand said we absorbed it in the Town Budget this year.

Supervisor Scammell said the only area he has difficulty with is the data they used to illustrate this in the Post Standard stating “that abrupt increase in pension costs increases the pressure on local property tax rates recently reported to be among the highest in the nation...”. He could support a resolution like this without that particular information included or with it just stating the affect on the tax rates.

Marshall Taylor asked if there was a way in the future to defer this.

Supervisor Scammell said the Town has very little control over this. It’s enacted by the NYS Legislature.

Councilman Bailey believes the stock market affects the increase or decrease in it.

Councilman McConnell asked if it changed because the employer didn’t contribute or because of the deficit.

Councilman Bailey said Tier 3 and 4 employees had to pay a percentage into the system for up to 10 years but that has changed. The philosophy in Albany was that the pension system was so stable that they were telling governments not to put any more money into it as there was enough but now that has changed.

Councilman McConnell said we just discussed spreading this over 10 years, if the economy increases would that have an impact on this?

Councilman Bailey said the economic conditions overall could dictate this.

Tom Chartrand reviewed the history of the pension payments and tiers 3 and 4.

Supervisor Scammell said at the meeting he attended with Nick Pirro it was noted that on each bill submitted, there is written on the back what the fiscal impact will be. There was no impact listed on this bill.

Councilman McConnell asked if the Town Board could draft up its own resolution to attach to this.

Supervisor Scammell said sure.

Councilman McConnell moved and Councilwoman Smith seconded the motion to send the following resolution stating the Town's position:

“MEMORIALIZING THE GOVERNOR, STATE LEGISLATURE, AND STATE COMPTROLLER TO ADDRESS THE SKYROCKETING COST OF THE STATE-CONTROLLED PUBLIC EMPLOYEES PENSION FUND

WHEREAS, every municipality in new York State is dealing with budget challenges that far exceed the normal ups and downs of the business cycle; and

WHEREAS, for State fiscal year 2003-2004, State pension costs will total \$481.5 million and for fiscal year 2004-2005 are estimated to total \$1.15 billion; and

WHEREAS, in Onondaga County alone, the combined pension costs for County, City and Town governments will rise nearly ten-fold over just two years, from a collective \$4.7 million in 2002 to \$44 million in 2004; and

WHEREAS, that abrupt increase in pension costs increases the pressure on local property tax rates; and

WHEREAS, a large portion of the State-controlled Public Employees Pension Fund is in the equities market and, as a result, pension costs have risen as the value of the stock market has declined; and

WHEREAS, pension costs are also tied to the level of benefits provide to pensioners and the amount employees contribute to their own pension; and

WHEREAS, in the year 2000 New York State enacted irreversible increases in the level of benefits provided to pensioners and also eliminated the requirement for most employees to contribute to the cost of their own retirement fund without the input or approval of counties, cities, towns, villages, participating agencies, public authorities, school districts, or other public employers mandated to participate in the State's pension program; and

WHEREAS, the resulting increase in pension cost puts an unfair burden on municipalities that are conscious of increasing taxes or cutting services in tough economic times and is simply too much to bear during a period in which other large problems are being addressed; now, therefore be it

RESOLVED, that the Town of LaFayette memorializes the governor, the Legislature, and the new York State Comptroller to phase-in any necessary increases in pension costs over a period of ten years and to consider other actions that will result in lower and more stable taxpayer-supported pension costs in the future; and be it further

RESOLVED, that the Town Clerk hereby directed to send a certified copy of this resolution to the Governor, to the New York State legislators representing Onondaga County, to the new York State Comptroller, and to all others deemed necessary and proper.”

Motion carried.

T. Onondaga County Supervisors Association President Bob DeMore: Pension cost.

This is a follow-up to above.

U. NYS Office of Public Security Director James McMahon: National Alert Level to High (Orange).

“On December 21, 2003, the Federal Department of Homeland Security

raised the national alert level from yellow (Elevated) to Orange (High)...”

Supervisor Scammell advised we are now back down to yellow. He asked Leon Cook if the Highway Dept. spent any money while the alert level was up.

Leon Cook said no.

Councilman McConnell asked if there is a need to portray these levels in LaFayette.

Supervisor Scammell said we could put a color code on the website.

Councilman McConnell said many of the communities he travels through don't have anything but some have a prominent place to display it. Perhaps we could give this to the Emergency Response Committee to come up with a recommendation. He asked Councilman Bailey for his input.

Councilman Bailey said the Committee could review it. As it was discussed, it's more a national issue than a local one. It could cause more harm than awareness.

Supervisor Scammell said the 4 corners in Jamesville and the 4 corners in LaFayette could have some kind of visible tape put up noting the level.

Councilman McConnell asked Councilman Bailey if they could get together and brainstorm this.

Councilman Bailey said sure. With the Association of Towns Meeting coming up next month, he can see if other areas are doing anything.

V. NYS Senator Nancy Lorraine Hoffmann: Destiny USA support.

“As a Senator from Onondaga County I have expressed my support to you

over many months for the Destiny USA project and now urge you again to do everything possible to pass the needed legislation to make this project

a reality. The negotiations on this legislation have made progress but are now going into a third legislative session. The Syracuse area business community and local governments are behind the project and Congressman Walsh has included language in the proposed federal energy bill to permit the project to use “green bonds”. The Destiny USA project can revitalize the central New York economy, and the high-paying technology jobs in the related energy park also have a huge potential for this area. I have stated repeatedly that there is no other project which anybody has proposed that will do more for the Central New York economy. I fully understand that the other Senator from Onondaga County is not yet supportive of this project, and as much as we all respect district leadership, this situation is unique. The potential of Destiny USA is so enormous that it will impact a whole region of New York, and can not be treated as impacting just one Senate district. This project is an important to thousands of my constituents in the four counties I represent along with the residents of other counties in Central New York as well. I am willing to sponsor the needed legislation to promote Destiny’s passage. Syracuse has been hard hit by the decline in manufacturing as witnessed this year by the announcement by Carrier that it is relocating jobs to Asia and Oneida Limited laying off hundreds of workers. State elected officials need to be supportive of any economic development opportunities which will help offset the Central New York losses in manufacturing. I look forward to working with you to see this vital legislation pass so this major economic development project can get underway. This region cannot afford to let this once in a lifetime opportunity slip away...”

W. Onondaga County Department of Youth & Aging: Youth program monitoring.

“As a result of a recent review of our Youth Bureau operations by the NYS

Office of Children and Family Services (OCFS), the Syracuse/Onondaga County Youth Bureau will now be responsible for conducting program monitoring visits to all municipal youth programs beginning in 2004...Our plan is to conduct one (1) site visit each year for programs that receive \$7,000 or more in OCFS funding. For programs that receive less than \$7,000, our staff will monitor each program once in every three year period...”

X. Onondaga County Planning Federation: SPDES Phase II Program.

“January 28, 2004, 3:15 to 4:15 p.m. , Drumlins Country Club...No program fee for this session...”

Supervisor Scammell and Leon Cook are going to try to attend.

Supervisor Scammell said there will be some significant impacts for each town that has water going through it.

**Y. NYS Assembly Consumer Affairs & Protection Committee Chair
Audrey Pheffter: 2003 Legislative Update.**

Supervisor Scammell noted this discussed the National Do-Not-Call Registry, Dietary Supplements Containing Ephedra, Consumer Privacy, Privacy On Retail Receipts, Prize Boxes Are Often No Prize, Combating Unsolicited Commercial Electronic Mail, New York Lemon Law Extends to Motorcycles, and Strengthening Protections for Funeral Goods and Services.

Z. NYS DOT: Route 91 speed limit & Ferrante letter.

“Thank you for your December 17 letter forwarding Allison Ferrante’s letter with additional information on the request for a lower speed limit on Route 91 from the Keough farm south to Taylor Road. This information will be taken into consideration during our speed limit study...”

**AA. LaFayette resident Newton Wiley, Jr.: Sky High Road snowplowing.
Supervisor Scammell said the Town has no jurisdiction over this road.**

Leon Cook said the Sheriff called him at home and talked about this. He has always said it’s a NY State Law that you can’t plow snow across the highway. The Sheriff advised him that is not right. They can plow the snow across the road as long as they clean it up. If they cause an accident, they are liable. The gentleman who was doing the plowing came and talked to him and solved the problem by pushing the snow onto their own side of the road and not going across it. As far as he knows, this has calmed down.

Councilman McConnell asked if we owe Mr. Wiley a response.

Leon Cook said no. He has taken care of this.

BB. Other.

There were no other communications.

6. SPECIAL REPORT: Town Historian Anne Smith.

“The following is an accounting of the activities since my appointment as

Town Historian:

Applied for the Excellence in Historic Preservation Award and guided the Skevals in creating the materials necessary to present to the State of new York.

Continued the progress toward the naming of Dell Bush stream by writing to George Hammell, Chairman of the NYS Geological Names. Will strive to make it happen in 2004.

Attended the Fall and Spring Public Historians Seminars and County Historians meetings in Fabius, Skaneateles and Tully.

Displayed the memorabilia of the 100th anniversary of the NYS Regents Diploma at LaFayette High School and spoke of this milestone at commencement.

Assisted Roy Dodge by typing captions for the photo display at the Town Hall which depicted the 100 year period between 1850 and 1950. this is a moveable display which will be remounted at the high school and the local bank in an effort to identify some of the missing links.

Attended the Central New York Library Resources Council seminar on preservation of historical documents and photographs. Attended the Workshop for Local Historians, Researching, Writing and Publishing Local History at Lorenzo State Historic Site at Cazenovia.

Began working with Jeremy Bloom on Sundays to help him with his Senior Project for the History Class at the High School. Average 4 hours per month.

Wrote news articles for the LaFayette Community Newsletter and the 'Green Sheet'.

7. REPORTS.

A. Departmental (4th Monday).

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

- Junk vehicle status (attached spreadsheet).
 - a) National Kidney Foundation – donations (free pickup, tax write-off).
Supervisor Scammell submitted information regarding the Kidney Cars Program.
 - b) Route 11 North (near McClary Road on east side).
 - c) Jamesville Apulia (numerous violations just south of Jamesville Beach Park).
 - d) Route 91.
 - e) LaFayette Road, 1/2mile North of Route 20. Abandoned autos.
 - f) Route 20 & Tully Farms Road.
- Other violations.
 - a) 2851 Webb Road/Gernhardt: vacated.
Supervisor Scammell believes this is vacated and was done so

ahead of time.

- 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.

- Feral dogs return.

Supervisor Scammell advised there have been sightings of the feral

dogs again. He sent a letter out to the residents in the area and hasn't heard anything further.

Councilman McConnell said he sees them once in awhile up there. He thinks a pack of coyotes is running with them.

Sue Snavlin thinks they are basically domestic dogs that have been abandoned.

- Billing query.

Sue Snavlin said she wanted to address the problem with Dr. Cadwallader.

Supervisor Scammell said this is regarding an old bill from the Tully Animal Clinic.

Sue Snavlin said in follow-up to her phone conversation with Supervisor Scammell on Friday, when the puppies came in to the Tully Clinic, they advised the puppies had mange and they called Supervisor Scammell for authorization to treat them. When Sue Snavlin went out of Town, they euthanized the puppies. If they felt these puppies couldn't be treated, why keep them for 10 days and then euthanize them? If Dr. Cadwallader feels he is owed this bill, she absolutely feels he is not owed it. She asked Kevin Gilligan if the only recourse is small claims court.

Kevin Gilligan said Dr. Cadwallader could file any lawsuit.

Sue Snavlin said the Town of LaFayette actually paid \$90 for a Tully dog and then the Town paid for an extra 3 days boarding for a dog. He was actually billing for 10 days before the 10 days were up. Its probably a discrepancy of about \$350.

Kevin Gilligan said he could consider small claims.

Sue Snavlin said she would be more than happy to represent the Town on why this is an unfair bill.

Kevin Gilligan believes the Town's position should be put in writing to Dr. Cadwallader.

Sue Snavlin said this bill came in during the month of May and she advised the bill shouldn't be paid and Supervisor Scammell told them the reason why and nothing was done about it until now. They are doing the same thing with Tully.

Councilman McConnell asked if these bills are based on 10 days boarding.

Sue Snavlin said Dog Control picks up a dog and by state law it has to be held for 5 days. The contract with Dr. Cadwallader and the Town of LaFayette stipulates a 10-day hold because sometimes 5 days isn't enough time to contact the owner or for the owner to realize the dog is missing. She had an issue with them in April when they euthanized a dog in 4 days.

Councilman McConnell asked how she knew this.

Sue Snavlin said because she goes into the clinic every day. Prior to this, she went away on April 9th and on April 11th, he put the two puppies down.

Councilman McConnell said it sounds to him like we are being billed for services that were not done.

Sue Snavlin said when dogs are brought in, they decide if the dog can be medically treated if there is a problem. If they wait 10 days to decide a dog can no longer be treated, she believes it is their mistake. She believes Dr. Cadwallader was more interested in getting the 10 days boarding fee. She has spoken to other vets and for the mange treatment he was going to charge \$100 and the other vets said it cost \$20. Those two little puppies could have been treated.

Supervisor Scammell noted on the bill Dr. Cadwallader doesn't show he treated them for mange.

Sue Snavlin said that's because he has changed his story. Now he's saying he held them for 10 days. She would suggest sending him a letter stating the Town doesn't feel it owes this money.

Kevin Gilligan believes the Board needs to go through and advise where they disagree with his bill.

Sue Snavlin said on the original bill, Tom Chartrand showed what the discrepancies were.

Kevin Gilligan asked if he signed the voucher.

Sue Snavlin said no, he never signs any of the vouchers.

Supervisor Scammell said when he talked to Dr. Cadwallader, the bill was for 10 days at \$9/day and for the euthanasia.

Sue Snavlin said she is strongly against paying this bill.

Councilwoman Smith asked when the state stepped in.

Sue Snavlin said on April 21st after a dog was put down prior to 5 days. Dr. Cadwallader failed as a shelter. He can reapply after 6 months. If it's not a reflection on the town, she is opposed to paying this bill. When they started checking the vouchers, they found all kinds of discrepancies in them. LaFayette was being billed for ads and then the Post Standard wasn't being paid by Dr. Cadwallader's office for the ads. She can't believe he's even brought it up again after all that has happened.

Councilman Bailey asked if he's back in business again.

Sue Snavlin said he's lost a lot of money since LaFayette, Otisco, etc. stopped using him. He's addressing Tully tonight.

Supervisor Scammell said if we write a letter, we need to advise him he needs to sign the voucher.

Kevin Gilligan said he needs to give us a corrected and signed voucher.

Supervisor Scammell said and he needs to explain if the animals had untreatable mange, why were they treated and then kept for the 10 days and then euthanized. He will write Dr. Cadwallader a letter. He asked if it was worth addressing that we have reviewed other vouchers and found discrepancies.

Kevin Gilligan said it might be worth bringing it up.

Supervisor Scammell said he will include something about this in the letter.

Sue Snavlin said he can also mention the \$90 paid inadvertently as it was a Tully dog. She doesn't know if Tully paid this too or not.

3) Highway Superintendent: Leon Cook.

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

Leon Cook said he is planning on going to the meeting and he is going to call John Dunkle to see if he is going too.

- Ellabrook Drive (Applewood Acres).

Mary Jo has this information and is forwarding it on to Kevin Gilligan for his review.

This will be discussed at the next meeting.

- Weller Road (200' paving) grant from NYS Assemblyman Brown workup.

Leon Cook said they told him to hold his paperwork back as they are not ready for it yet. He will give them a call in the next day or so.

- Selective Insurance Endorsements list.

Leon Cook said Cliff Parker is still working on this list.

Leon Cook said on the cold days they had both thermostats set at 50 degrees and they both ran all the time. They never shut off. They have a problem with one sander. They have two sanders that were bought in 1986. They have a gearbox problem. He got a couple of bearings today to get them bye but he thinks both of these sanders will have to have completely rebuilt gear boxes this summer. The problem he had today was trying to find out where they were going to get parts because Roberts

used to be the only one that had parts for these sanders. He finally got them ordered and they were put on a truck to be shipped to him today at 3:30 p.m. He got them from the company that bought Roberts.

Councilman Bailey asked what a new sander would go for.

Leon Cook said about \$8,000.

Leon Cook said at the State D.O.T. on Route 11 he noticed cranes and construction work going on. They are putting up a concrete lower part of a building to store salt. He found out today that the reason they are doing this is because some safety engineer condemned the salt sheds throughout the state.

Mary Jo said some tenants from the apartments next to the D.O.T. had mentioned concerns about well contamination.

Supervisor Scammell asked if it was from the salt.

Leon Cook said yes but it was long before the salt shed was built.

4) Justice: Malcolm Knapp & Maureen Perrin.

- Credit cards.
- Query, Overview & FAQs.

Supervisor Scammell said the Justice Court would like to do a trial implementation of a credit card program in the collection of ticket fines. The program fees are \$15 per month for each device and \$2 per month for account maintenance. The Justice Court advised there is a substantial amount of unpaid tickets. This program won't change that. The Court proposes this as a 6-month trial. There is a 2% transaction charge. Some of the other municipalities that have gone to this method have seen an increase in payments of about 25%.

Councilman Bailey believes with the weigh-in station and the Route 81 corridor, many of the drivers are from out-of-state which would make this a worthwhile cause and he is in favor of giving it a 6-month trial.

Councilwoman Smith said according to the information given to this Board, it appears the even keep track of how much is brought in. At the end of 6 months, we should know if it is a benefit or not.

Councilwoman Smith moved and Councilman Bailey seconded the motion to try the credit card payment option for a period of 6 months in the Justice Court. Motion carried.

5) Library Director: Scott Kushner.

6) Recreation Director: Regina Reinschmidt.

7) Town Clerk: Mary Jo Kelly.

8) Town Supervisor: Greg Scammell.

B. Committee (2nd Monday).

1) Communications & Technology.

- Website alternatives (Home grown, Digital Towpath, PAETEC, etc.)

- Email alternatives (AOL, PAETEC, etc).

Supervisor Scammell said currently all the town accounts are TOL

accounts through AOL. We could have similar email accounts from PAETEC, etc. The question becomes what is it that we are getting for what we are paying AOL. Tom Chartrand believes this means AOL is our internet provider. Marshall Taylor believes we have internet access to surf the web as part of the computer.

Councilman McConnell agreed, it's Internet Explorer.

Marshall Taylor said if you want to host a web site page, you need a lsp provider. He doesn't see why we couldn't put our web page on PAETEC. You would save \$125/month.

Councilman McConnell asked if the \$125 is for several accounts.

Marshall Taylor said it's for 5 accounts. There are others who would like accounts and don't have them.

Supervisor Scammell said he will do some more research. If the only thing we are getting out of this is the email, there's no point in us paying for them as we can get them for free somewhere else.

Councilwoman Smith asked what PAETEC covers.

Marshall Taylor said the exact same thing for \$5/month for up to 8 accounts. We need to decide what the future is for our web page.

Councilman McConnell agrees. We need to have our web site here in the future. He would recommend having someone from PAETEC come out to discuss this.

Discussion will continue on this at the next meeting.

- Cisco SMARTnet renewal.

Supervisor Scammell said this is the maintenance on our firewall.

Marshall Taylor said it costs \$120/year which is \$10/month. This allows us any factory upgrades and any maintenance is taken care of for free.

Councilmen Bailey moved and McConnell seconded the motion to renew this contract. Motion passed unanimously.

2) Emergency Response.

- AEDs (Defibrillators).

3) Employee Policies & Benefits.

Employee Medical Plan contributions change – notice to employees.

Supervisor Scammell said we have a very informal workplace here. His suggestion would be to change the Employee Policy to read: "Employees taking unauthorized time off the day before or the day after a holiday will not be paid."

Councilman Bailey asked what if they are sick?

Councilman McConnell believes there is common sense involved. He believes this is up to the common sense of the supervisor of that employee.

Councilwoman Smith said one thing to remember is when the hours were changed to 30, it was to go along with the state requirements.

Councilman McConnell asked why this was 24 hours. Are there employees who work 24 hours?

Supervisor Scammell said yes there are.

b) Holidays and vacation policy change suggestions.

Supervisor Scammell would recommend the wording be “Vacation applies to part-time employees who work 24 or more hours a week on a consistent basis through the year.”

Councilman Bailey was O.K. with this.

Councilman McConnell agreed as he feels good part-time employees are hard to find.

Councilwoman Smith was opposed.

Marshall Taylor asked what about holidays, sick leave and personal days.

Supervisor Scammell reviewed the Employee Policy. It would not include sick leave or personal days. It would just be vacation.

Marshall Taylor said it used to be 24 hours and people did receive those benefits.

Further discussion on the Policy took place.

Supervisor Scammell recommended changing the policy to read “vacation applies to employees who work 24 hours or more a week on a consistent basis throughout the year”.

Councilwoman Smith said there were other benefits Marshall was interested in.

Councilman McConnell suggested revisiting the vacation and other benefits for the part-time employees.

It was decided the policy would be further reviewed at the next Town Board Meeting.

4) Environmental & Conservation Advisory Board.

5) Highway.

6) Physical Plant.

- Town Offices SW walls, scheduled for Spring, 2004.
- Crash bar and lock replaced on Community Center. Supervisor Scammell said this has been completed.

- Septic system cleaned (Dewey Northrup).
Supervisor Scammell said this has been completed.

7) Recreation & Youth.

a) Bailey Park.

b) LaFayette Beach.

- New septic system under construction.
Councilwoman Smith said this has been completed. The plumbing will be completed in the spring.

- Survey/transfer LaFayette Beach from LCC to town.

c) Stafford Park.

8) Safety.

9) Senior Transportation & Housing.

10) Service Awards.

11) SOTS & OCCRA Liaison.

- Mailer.
Discussion took place regarding recent complaints.
Councilman McConnell recommended putting an article in the next

LaFayette Newsletter addressing the concerns.

12) Water.

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

13) Zoning Review.

- Private horse stables – Under Review.
Supervisor Scammell said he needs the Town Boards input by the

next meeting and if there is any interest in regulating private horse stables. This came up because recently it came to mind that now it requires quite a lot for someone to own a horse. The following letter was received from John Langey, Planning Board Attorney.

“The Planning Board requested that I send a short memo to you to be shared with the Town Board regarding a recent application involving Kevin and Laura Connors off of Meeker Hill Road for approval of a private stable. The Connors had previously been in front of the Board a

short time ago seeking a 3 lot subdivision of their large parcel. After receiving the subdivision approval, they earmarked the larger parcel (approximately 16 acres) for a private stable and their own home. When they appeared before the Board they requested approval to have up to 8 horses on the property. The Board directed them to prepare a map and plan of their proposed use, with manure storage, etc. all pursuant to the private stable law.

Discussion arose with the Board as to whether the requirement that the applicant demonstrate 2 acres of useable grazeable land for each horse implied that the 2 acres be fenced in. The Board agreed (virtually unanimously) that the request for fencing was a reasonable expectation in conjunction with the 'useable grazeable land' standard. The Board further explained that the Town did not want to get into situations where multiple horses were being kept on large lots but in a very small area. The applicants were critical of the language of the ordinance stating that it should have been more clear that the area should be fenced in. The Board indicated that they would pass this concern along to the Town Board, which is the purpose of this memo.

You will recall that when our office drafted this ordinance, we surveyed a number of municipal regulations on private and public stables. To my recollection, none of the ordinances specifically advised that any minimum area requirement indicated that fencing was to be provided. It does seem however reasonable to assume that fencing may be required by the particular approving board. Specifically, our ordinance does require that the fencing plan be shown on the map.

The applicants argued that the fencing requirement is onerous (as is the 2 acres per horse requirement) since they claim that other municipalities require a lesser amount of acreage per horse and are silent on fencing. It is my recollection that the ordinance was adopted in response to a number of problems that the Town experiences in the past with regard to too many horses on small pieces of land.

I offer this memo as a potential discussion item for the Town Board. The Chairman of the Planning Board has suggested that perhaps the Town would wish to consider drafting language into the ordinance stating that the 2 acre requirement specifically requires fencing around the minimum required areas.

It was decided that fencing was one issue.

- Simple/small subdivision Guidelines – Under Review.

Supervisor Scammell said as the regulations are now, if a person wishes to move a lot line, they need to go before the Planning Board.

- Nonconforming Uses – Under Review.

Kevin Gilligan said the basis for the revision was because the current

Ordinance allows someone who has a non-conforming use to switch it to any other non-conforming use with a specific permit.

Supervisor Scammell said we have discussed the time-frame for a business to be out of business and if the structure is lost due to a fire, etc, the owner being able to reconstruct it within the same footprints.

Kevin Gilligan suggested working on the single horse issue first. He asked the Board to think about what type of requirements they would want. It could be worded something like “a single horse is allowed if the owner meets the following criteria...”

- Corridor Plan.
- Digitized zoning map.

8. LITIGATION & OTHER LEGAL MATTERS.

A. Watson v. Town of LaFayette (60 days = 12.19.03).

B. LaFayette Hotel/Mr. Muraco’s project at the four corners & DEC septic approval (progress continues).

Supervisor Scammell said as far as he knows, the DEC is looking at working with Mr. Muraco to get the septic system working for the apartments and at some later date will look at the commercial aspects of it.

C. PILOT agreement at Festival Gardens.

- PILOT program.

A letter was received from Bond, Schoeneck & King dated December 9,

2003.

Supervisor Scammell reviewed the history of the pilot program.

It was noted no actual proposal has been sent from Carlyle Smith.

Kevin Gilligan believes the Board needs to find out what the number would be if he were paying taxes at the assessed rate.

D. Noise/nuisance ordinance.

- Board member input Y/N, & details.

Supervisor Scammell believes there was some thinking that the laws

that are on the books provide for noise control.

Councilman Bailey said 240.20 of the NYS Penal Law. One subsection states “..makes unreasonable noise”.

Supervisor Scammell thinks it would be good to get a copy of that law to see what it actually says.

Councilman Bailey said the frequency of the violation determines the law enforcement intervention. If it’s just one instance as opposed to someone working on a small engine every night. He reviewed what the

law enforcement officer can do. He believes LaFayette is a rural community that doesn't have the population density to qualify for a noise ordinance.

Supervisor Scammell said if this is a repetitive noise, the resident needs to call law enforcement and explain the situation and let them know it is chronic.

Kevin Gilligan will send Supervisor Scammell a copy of the law regarding noise.

Supervisor Scammell asked the Town Board if they were interested in a noise ordinance.

Councilman Bailey said he is not interested.

Councilman McConnell doesn't see any reason to pursue this.

Councilwoman Smith said it's up to the officer who answers the call whether anything can be done.

Councilman Bailey said if the complainant is dissatisfied with the officer answering the call, they can contact his supervisor. The law is based on what a reasonable person would perceive as reasonable noise. The law enforcement officer vows to be reasonable when he takes his oath. The complainant can video tape or record the noise.

Councilman McConnell said in the next issue of the LaFayette Newsletter, this could be addressed and what steps a resident can take if there is a problem.

- Open burning questions.

Supervisor Scammell said a complaint was filed on a residence on Route 91 in Jamesville where a neighbor seemed to have a continuous all-day bonfire. One option might be for him to write a letter to Ralph Lamson and the fire dept. asking for their input on this.

Councilman Bailey would think their response would be negative as it is stripping their resources.

Councilman McConnell believes this goes back to our noise ordinance. Has anyone contacted the resident about the complaint?

Councilman Bailey thinks burning all day long would create smoke which could be a health issue.

Councilwoman Smith noted the items listed that can be burned in open burning as defined by the DEC.

Councilman Bailey believes there would be air quality issues.

Supervisor Scammell will contact the Health Dept. to see if they have any information on this.

E. Lynn Hutton/SummerRidge – awaiting deed & dedication.

Kevin Gilligan said they did receive the corrected deeds. He advised

his firm stopped working on this because Mr. Hutton was complaining about the attorney fees. Once Costello, Cooney & Fearon stopped

working on it, nothing more got done. One of the easements was recorded with no description put on it. The title report, all the deed records and easement records were going over for recording today. This should be wrapped up in about 1 week.

F. Disturbances at 6208 Dodge Road. Letter to Mr. Geiger.

Supervisor Scammell advised a letter was sent and he hasn't heard anything.

Councilwoman Smith advised he has been away for about one month.

G. Worker's Comp & permits.

Kevin Gilligan said the Town is required by law to make an effort to comply with this. He is working on an outline for Ralph Lamson to go by rather than the going through the entire packet.

9. **UNFINISHED BUSINESS & ACTIVE PROJECTS**

A. Time-Warner Cable TV franchise renewal .

B. ZBA Alternate member appointment.

C. Dell Bush stream naming.

D. Speed limit reduction request:

- Keough Tract.
- Route 91 (see communications).

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.

Nothing new has been heard.

F. Groth Road Communications Tower Inspection.

Supervisor Scammell said this has been completed and a bill should be coming.

G. Association of Towns 2004 Training School & Annual Meeting (attendees).

H. Voucher Standards – letter sent to Department heads.

Supervisor Scammell sent a letter to everyone who submits vouchers regarding the correct procedure.

10. NEW BUSINESS.

A. Other.

**RESOLUTION
TOWN OF LAFAYETTE
January 12, 2004**

The following resolution was made by Councilwoman Smith and seconded by Councilman Bailey.

WHEREAS, Section 467 of the new York Real Property Tax Law authorizes municipalities, after public hearing, to grant a partial exemption from real property taxation for real property owned by certain persons with limited income, who are 65 years of age and over; and

WHEREAS, the Town of LaFayette has, from time to time, provided such tax benefits to its citizens who qualify for such exemption according to the provisions of Section 467 of the New York Real Property Tax Law; and

WHEREAS, the State of New York amended Section 467 of the New York Real Property Tax Law (Chapter 512 of the Laws of 2003) to provide for an increase in the maximum eligibility levels for the Real Property Tax sliding scale exemption for senior citizens from its current level of \$29,900 to \$32,400; and

WHEREAS, pursuant to Section 3 of the Town of LaFayette Local Law 3 of 2001, the Town wishes to make this increased benefit available to its qualifying senior citizens as a way of assisting them to keep their homes during retirement years; and

WHEREAS, if adopted by the Town of LaFayette, the new income guidelines for the sliding scale property tax exemption program would be as follows:

<u>EXEMPTION</u>	<u>INCOME LIMITS</u>
50%	\$24,000
45%	\$25,000
40%	\$26,000
35%	\$27,000
30%	\$27,900
25%	\$28,800
20%	\$29,700
15%	\$30,600
10%	\$31,500
05%	\$32,400

and;

WHEREAS, it is the desire of this Board to increase the senior citizens property tax exemption to the maximum allowable under the law.

NOW, THEREFORE, be it

RESOLVED AND DETERMINED, that this Board shall conduct a public hearing, at the Town Hall, to consider the increase in the senior citizens' exemption, as herein set forth, on Monday, February 9, 2004, at 6:30 p.m. or as soon thereafter as the matter can be reached; and it is further

RESOLVED AND DETERMINED, that this proposed action is a Type II action for purposes of SEQR.

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

Gregory Scammell, Supervisor	Aye
Sandra Smith, Councilwoman	Aye
Thomas Bailey, Councilman	Aye
William McConnell, Councilman	Aye

Motion carried unanimously.

**TOWN BOARD RESOLUTION
January 12, 2004**

Councilwoman Smith introduced proposed Local Law No. 1-2004, to provide for an increase in the partial real property tax exemption for persons with disabilities whose incomes are limited by reason of such disabilities in the Town of LaFayette, and made the following motion, which was seconded by Councilman McConnell.

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the enactment of the proposed Local Law No. 1-2004 is a Type II action and will have no significant effect on the environment; and it is further

RESOLVED, that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. 1-2004 at the Town Hall located at 2577 Route 11 in the Town of LaFayette on February 9, 2004 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

Gregory Scammell, Supervisor	Aye
Sandra Smith, Councilwoman	Aye
Thomas Bailey, Councilman	Aye

Councilman McConnell would like to volunteer to try to be a liaison between the community and the school from the town's side.

Supervisor Scammell said the only concern he has with that is the notion that somehow there would be some coordination with the budgets. He believes the town has done very well at tailoring its expenses.

Councilman McConnell said his point is to foster communication between two large boards in town.

Supervisor Scammell said we have to remember too that LaFayette is not the only school district within the town. He isn't sure what purpose it would serve.

Councilman McConnell said dialogue. It would be an informal process to better communication.

The Board was in support of this.

Councilman McConnell asked if the Board approved to pay for the signs.

The Board felt this was in the exploratory stage.

Councilman Bailey said they must get clearance from the D.O.T.

Supervisor Scammell said the VFW is going to purchase some new tables. He can buy all 14 of their existing tables for \$140.00. These tables could be put in the Community Center.

The Board was in support of this.

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

The Town Board went into Executive Session at 10:40 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 11:45 p.m.

Councilwoman Smith moved and Councilman Bailey seconded the motion to accept the LaFayette Fire Department's Fire Protection contract for 2004 with the addition of the Equipment Replacement Plan. Motion passed unanimously.

Councilwoman Smith moved and Councilman Bailey seconded the motion to accept the Jamesville Fire District's Fire Protection contract for 2004. Motion passed unanimously.

Supervisor Scammell moved and Councilwoman Smith seconded the motion to advance Councilman Bailey, Maureen Perrin and Eva

Palmer \$700.00 to cover expenses for the Annual Association of Towns Meeting. Motion carried.

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

12. Councilman Bailey moved and Councilwoman Smith seconded the motion to audit and pay the following bills:

GENERAL FUND: #333, # 354 THRU 400

HIGHWAY: # 334 THRU 353

SPECIAL DISTRICT FUND: # 401

TRUST & AGENCY FUND # 402

Motion passed unanimously.

13. Councilwoman Smith moved and Councilman McConnell seconded the motion to adjourn. Motion passed unanimously.

The Town Board Meeting adjourned at 11:51 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk