

Minutes of the Regular Town Board Meeting held by the Town Board of the Town of LaFayette on January 26, 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
David Knapp, Councilman (Arrived 6:37)
Thomas Bailey, Councilman
William McConnell, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Kevin Gilligan, Town Attorney
Ralph Lamson, CEO
Tom Chartrand, Bookkeeper
Regina Reinschmidt, Rec. Coord.
Mary Doster, Assessor
Anne Smith, Historian
Capt. Bronstad, Sheriff's Dept.
Ed Kelley, Bond Schoeneck & King
Jim Sulesky, Longley Jones Mang.
John Harper, LFD

1. Supervisor Scammell called the meeting to order at 6:30 p.m.
2. The Town Clerk took the Roll. Councilman Knapp absent. All else present.
3. Pledge to the U. S. Flag led by Councilman McConnell.
4. **Councilwoman Smith moved and Councilman McConnell seconded the motion to accept the January 12, 2004, Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **COMMUNICATIONS:**
 - A. **Residents.**
No one came forward.
 - B. **Assessor & Clerk to the Assessors Marshall Taylor:**
Resignation.
 - C. **El Paso Pipeline Group: Area location map.**

"...Tennessee Gas Pipeline (Tennessee), a subsidiary of El Paso Corporation, is an interstate transporter of natural gas supplies. Because part of our transmission system passes through your municipality, we have enclosed a map showing the approximate location of operations in your area..."

**D. NYC Law Department: Collateral Source Bill
S.622/A.3483.**

"...As you may recall, last year I wrote asking for your support of the Collateral Source Bill...which, as set forth more fully below, is now being supported by an extraordinary coalition whose membership size and diversity are unprecedented...whenever an injured person obtains a jury award for lost future earnings, that award must be reduced by whatever collateral source, such as an accident disability pension, that the plaintiff will receive to replace those lost earnings. The current inequity exists because the lost future earnings award a public employee obtains against his or her employer is not offset by the pension or other collateral source..."

E. Town of Camillus Town Board: Collateral Sources.

"This letter is being written on behalf of the Town of Camillus Town Board expressing our support for adoption of the Collateral Sources Rule..."

F. Onondaga County Cooperative Extension: The Use & Economics of Septic Systems in Changing Communities.

G. Nextel Partners: New Public Relations Coordinator.

"...serve as public relations coordinator for its Syracuse office...Jack W. Pflanz"

H. Maher Agency: Renewal premium increase greater than 10%.

Councilman Bailey asked if we know what the percentage of increase is.

Tom Chartrand said not yet but they have to notify you if it's over 10%.

I. NYS DOT: Route 20 bridge replacement.

"..Replacement of Route 20 bridge over Onondaga Creek in the Town of LaFayette; Onondaga County which is being reconstructed under Contract No. D259431, is hereby

designated as a Restricted Highway. Designation of Restricted Highway shall expire on December 31, 2004..."

Supervisor Scammell asked Leon Cook if he received a copy of this.

Leon Cook said yes. They are going to put a light up. Traffic will go east and then the light will change and the traffic can go west.

J. Onondaga County: Surplus Auction Schedule.

K. Southern Hills Preservation Corporation: 2003 Annual Report.

"Enclosed is a copy of our 2003 Annual Report, which highlights our accomplishments during this past year...Makes low interest loans available to eligible home owners for repairs and to tenants for security deposits...The construction of apartments for senior citizens has been a focus of SHPC since 1989...A new program in 2003 that provided up to \$300 per project for homeowners in need of small, handyman-type repairs...Provides grants to eligible first time home buyers for down payments, closing costs and rehabilitation of a newly purchased home...Managed 3 apartment complexes in Tully and Marcellus...Organizing member of the new Tully-LaFayette FISH Program..."

L. Pyramid Network Services: Tower Inspection.

"A visual Tower inspection was performed on November 16, 2003 on the Tower site located at the old LaFayette landfill on Groth Road. Inspection report is attached. Integrity Tower of Vestal, NY was hired by Pyramid Network Services to do the Inspection and provided the information for this report. Results: Tower appears to be in good condition with no excessive rust or apparent structural defects. All bolts on the tower were checked for tightness. Problems: Section 5 is missing one bolt - Suggest install a new A325 galvanized bolt..."

Supervisor Scammell said he contacted a fellow who will charge between \$500 and \$600 to replace the bolt.

Councilmen Knapp moved and Bailey seconded the motion to authorize the supervisor to spend up to \$600 to replace the missing bolt on the tower. Motion passed unanimously.

Kevin Gilligan noted the spacing on the report shows the levels of the tenants on the tower. They should be 10' apart and they are now 20' apart so now we might be able to get a couple more tenants on it. He noted Site #

3 is 26' below Site # 2 and they are supposed to be 10' apart. Their agreement with us is that they are supposed to be about 10' apart. When location # 3 was negotiating with us, he thought it looked further down and he called them and they advised it was an optical illusion.

Supervisor Scammell asked if this should be chased down with the tenant.

Kevin Gilligan said he would contact Site # 3 to see what they say about it. It's worth checking out as maybe there is room for another tenant.

M. Other.

Mr. Sulesky was present on behalf of Longley Jones Management representing Festival Gardens regarding the PILOT Agreement.

Ed Kelley was present as the attorney representing Longley Jones Management. He said the Town can renew the existing PILOT Agreement throughout 2010. In 2011 the Town Board can determine if they would like to continue the PILOT in some limited form.

Kevin Gilligan said there is no legal issues left on it but there are some business issues. At this point, we have an agreement that suspends on 12/31/2005. In 2006 they would either go into this new agreement for 5 years or they would move back onto the tax rolls. Their proposal also modifies the percentage in the last year of the existing agreement which is 2005. We already have an agreement at 15% for that year. The determination would have to be made by the Town Board as to whether they are willing to extend it for 5 years.

Councilman McConnell asked if it would be extended at the 15%.

Kevin Gilligan said no. It would be at 10%. The proposal would also call to drop it to 10% in the last year of the current agreement.

Tom Chartrand said the town only receives 1/5 of the total collected.

Supervisor Scammell said we collect it and distribute it to the county and the school.

Tom Chartrand said that is correct.

Supervisor Scammell asked how he knows how to break it out.

Tom Chartrand said he takes the school, town and county rates for the previous year.

Mr. Sulesky said they are assessed now at \$950,000.

Councilman McConnell asked if this is the reason they are asking for the extension of the PILOT Agreement.

Mr. Sulesky said yes. They can't continue operating at the 15%.

Councilman McConnell asked what would be the outcome if the Town Board didn't accept the agreement to extend the PILOT.

Mr. Sulesky said the owner would have to decide what to do. Whether or not to pay the taxes or whether to give it back to Farm Home.

Supervisor Scammell asked for any other questions or comments.

Councilman Knapp said he knows Councilman McConnell got called about a couple of residents having some problem up there.

Mr. Sulesky said they are aware of problems with the music and the noise. He did evict one tenant last month. He has to go to court to evict another one.

Councilman Knapp believes there's some intimidation of the older folks.

Mr. Sulesky said the manager does not live on site. They do the best they can when the complaints come in.

Councilman McConnell said one of the complaints was someone thinking there was children residing there and that they shouldn't be.

Mr. Sulesky said they are a family project and they can't discriminate.

Councilman McConnell said to follow-up on a call he received last week that the snow gets piled up high. Who is responsible for pushing the banks back? The concern was that some of the tenants need to get out into the road before they can see any oncoming traffic.

Mr. Sulesky believes it would be their responsibility. They hired someone to plow. He just left there and the banks are high. We have gotten a lot of snow. They try to knock them down but he doesn't know what else they can do.

Councilman McConnell asked if they would be willing to show the Town Board the data of why they can't operate at the current rates.

Mr. Sulesky said yes.

Councilman Knapp asked about the rentals.

Mr. Sulesky said they have two vacants right now as one tenant was evicted. They do have a waiting list.

Kevin Gilligan said theoretically the Board has the rest of this year to make a decision. He asked if they are current with their payments.

Mr. Sulesky said they have it but are waiting to decide what they are going to do.

Councilman McConnell asked how the Town Board would like to review the data and how soon would the Town Board like to make this decision.

Supervisor Scammell said as soon as they provide the data for review, it would be step one. He doesn't think it would take longer than a couple of months to make the decision.

Councilman McConnell asked if the data could be supplied in the next couple of weeks.

Mr. Sulesky asked what would be sufficient. Would the yearly audit be sufficient?

Councilman McConnell said he would just like to see data supporting their statement that they can't operate as things are now.

Councilman Knapp asked if even though we collect the money for the school, town and county, we still have the authority to make this decision on their behalf.

Kevin Gilligan said yes.

Councilman McConnell said he would like to see their operating margin and where they are falling short if they are forced to operate at a higher rate. He would like to know the increase if they are not granted a PILOT program.

Kevin Gilligan said if there were no PILOT, what would \$950,000 assessed value generate? He would advise Mr. Smith should be current on his PILOT payments as he is asking for favors.

6. **SPECIAL REPORT:** None.

7. **REPORTS:**

A. **Departmental (4th Monday).**

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

A written report for December was submitted with a 2003 Year-End Report.

- **Junk vehicle status** (attached spreadsheet).
 - a) **Route 11 North (near McClary Road on east side).**

Ralph Lamson said this is 3394 Route 11 across from Blatchers. There are a couple of dismantled vehicles on the property. He sent a Notice of Nonconformity.

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) **3171 Apulia Road/Ziver:** Trailer on west side of Apulia Road just north of Bush Road, notice of nonconformity to be served.

b) **Apulia Road: Other trailer.**

c) **Amidon Road (Daniels)** - living in tent.

Ralph Lamson advised he sent a letter to 5631 Amidon Road regarding junk vehicles and a person living in the trailer next to him. Herb Daniels will be calling him back this week.

d) **Route 20 & Tully Farms Road - lumber & auto sales?**

Ralph Lamson said it appears the Weisbrodt property at 2226 is vacant. He has been watching it for the last couple of months. The house is falling down. He has sent a letter. He will wait to see if he hears from the owner.

Ralph Lamson advised Woods on Pioneer have been sent a Letter of Nonconformity for junk vehicles. Mr. Allen on Sentinel Heights is due in court this week. Mr. May has been postponed in court until March 3rd. Mr. Kosturik on Route 11 has some junk vehicles and is due in court February 11th. Frank and Dave Palladino have junk vehicles and are due in court on February 11th.

Supervisor Scammell asked if they are together.

Ralph Lamson said no, they are separate. He advised Terry Esce-Merron is due back in court on January 25th for her horse. Two people have corrected their violations. Mr. Ziver on Apulia Road has removed his trailer and Mr. Richardson on Pioneer Road has cleaned up the junk vehicles.

2) **Dog Control:** Jon Rogers & Sue Snavlin.

- **Feral dogs.**

Supervisor Scammell said he has not heard any reports of any more sightings.

- **Billing query.**

Supervisor Scammell advised he sent a letter to Dr. Cadwallader asking for more information.

- **Per diems.**

Supervisor Scammell said this is a request from Madeline Despres asking if the Town would be willing to pay her \$20 per dog. She picked up 9 dogs last year. She does not charge if she and Sue Snavlin go together.

Councilwoman Smith asked if she should be appointed as a deputy.

Tom Chartrand believes she should be if she will be receiving compensation.

Councilman Knapp asked if a new position would have to be created.

Kevin Gilligan said if she is acting as the Town of LaFayette's Dog Control Officer or agent, she should have that capacity or she shouldn't be doing it.

Tom Chartrand said in the past, there were 3 positions. Two positions were paid positions and one was on call.

Kevin Gilligan said she could be appointed as Deputy with compensation set up as the Town Board would like it.

Councilwoman Smith moved and Councilman McConnell seconded the motion to appoint Madeline Despres as Deputy Dog Control Officer. Motion passed unanimously.

Councilmen Knapp moved and Bailey seconded the motion to pay Madeline Despres \$20 plus mileage when she answers a call for the Town of LaFayette. Motion passed unanimously.

3) **Highway Superintendent:** Leon Cook.

Leon Cook said they have been out about every day. Sometimes they had to go around twice and sometimes three times. They have used about 2,500 ton of sand since the snow started. They had about 5,000 of sand

and salt mixture to start. He is hoping what they have left will last them. The 3 to 1 mix in this cold weather is making it tough to keep the residents happy on some of the hills.

The last part came in for the gearbox. They have temporarily fixed it until they get a break in the weather and can replace it.

He had a call from the Optimist Club to do some grading by the casting pond before the freezing weather came. The last day it was fairly warm, they were able to get it done. They fixed it for the skating rink. Today they piled a big pile of snow down there for their Winter Festival.

- **SPDES - awaiting coordinated actions at county level.**

Leon Cook said he is waiting for the county and John Dunkle on this.

- **Ellabrook Drive (Applewood Acres). Paperwork being reviewed.**

Kevin Gilligan said he gave this to their title department and they haven't finished yet.

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

Leon Cook said he hasn't heard anything.

Supervisor Scammell said he emailed Assemblyman Brown about this last week and hasn't heard anything back.

Leon Cook said maybe he will give their office a call.

- **Selective Insurance Endorsements list.**

Leon Cook said there were two changes on the insurance update. They had two sanders they were charging us for insurance on that were junk and we don't have them any more. They had the wrong serial number for the John Deere.

Supervisor Scammell complimented Leon and the Highway Dept. for the incredible job they have done this winter. He hasn't received a single complaint.

Councilman Bailey asked if the weather doesn't get any better and he runs out of salt, what's the contingency plan.

Leon Cook said he would just have to have some more come in.

Councilman Bailey said regionally everyone would be in the same boat.

Leon Cook said some places are out now and are only using what they bring in on a daily basis. Some towns are mixing molasses with their salt and sand as it makes the mixture stick to the road.

4) **Justice:** Malcolm Knapp & Maureen Perrin.

- **Credit card - implementation.**

Supervisor Scammell said he advised the Justice Dept. their credit card program was approved by the Board.

Councilman Bailey asked if there is a date it will start.

Supervisor Scammell said he doesn't know what's involved in implementing it.

Councilman Knapp believes they said it would take about 30 days to get it up and running.

- **December Report.**

Supervisor Scammell noted they heard 222 cases during December and brought in \$21,995.

5) **Library Director:** Scott Kushner.

- **November Director Report and Board Minutes.**

Supervisor Scammell noted they welcomed David Williams to the Library Board. The library received its annual \$5000 materials grant from Onondaga County. They are losing one of their pages and are looking to train some new people to help out at the library.

- **December Director Report and Board Minutes.**

Supervisor Scammell said the Erie Canal program held on November 25th was very good.

6) **Recreation Director:** Regina Reinschmidt.

Regina Reinschmidt said she has been very busy. She is handling all the scheduling for the leagues. The 5th and 6th grade basketball program is about half way through their season. 4th grade basketball just started. Wrestling started last weekend and has over 30 kids in it. Adult aerobics started a new session which will run to the end of April. The ski program is at a slow start. For the past 3 Fridays the bus transportation has cancelled due to the school being

cancelled. The lessons and skiing is still available at Song even though the bus isn't transporting the participants.

Councilman McConnell asked if the ski program lessened due to this.

Regina Reinschmidt said no. It's at 95 participants. There are some kids that can't get down there when the bus isn't taking them. This is highly unusual. Usually on a good year, they get 7 to 8 bus rides in.

Regina said lastly, she wanted to mention she called back in November regarding the port-a-john at the Beach. The owner was grateful she called but would still like to leave it there for the winter. She wasn't concerned so at least we notified her.

Supervisor Scammell said they have never charged us for damages.

7) **Town Clerk:** Mary Jo Kelly.

- December Report.
- 2003 - Year end Report.
- Audit Town Clerk Cash Book.

8) **Town Supervisor:** Greg Scammell.

- December Monthly Statement.

B. Committee (2nd Monday).

1) **Communications & Technology.**

a) **Website alternatives** (Home grown, Digital Towpath, PAETEC, etc.). Needs costs.

- **Costs.**
- **How to post information.**

b) **Email alternatives** (AOL, PAETEC, etc).

- **Costs.**

2) **Emergency Response.**

- **AEDs** (Defibrillators)
- **Alerts notification to public.**

Councilman Bailey said when he attends the Annual Association of Towns Meeting next month he will converse with councilors from other jurisdictions to see if they do anything.

3) **Employee Policies & Benefits.**

- **Holidays and vacation policy change suggestions.** This will be deferred until Executive Session.

4) Environmental & Conservation Advisory Board.

5) Highway.

6) Physical Plant.

- **Town Offices SW walls, scheduled for Spring, 2004.**

Mary Jo Kelly advised Herb Salladin notices someone is using the back door at the Community Center and not locking it when they leave.

Councilman Knapp recommended putting a note up on the inside of the doors reminding folks to lock them.

7) Recreation & Youth.

a) Bailey Park.

b) LaFayette Beach.

- **New septic system under construction.**
- **Survey/transfer LaFayette Beach from LCC to town.**

c) Stafford Park.

Councilman Knapp said Winter Fest is this weekend down at the park. He thanked Leon Cook for leveling the area off for the ice rink. The big snow mountain is in just the right spot.

Councilman McConnell said he met with John MacDaniel and he talked with Tom Chartrand about the RFP's involved regarding the tennis court. The Optimist Club along with April Palmer of Community Council are working on a proposal to put before the Town Board.

8) Safety.

Councilman Knapp asked when the next Safety Meeting is.

Regina Reinschmidt said the second Tuesday of February which is the 10th.

Councilman Knapp noted we got the inspection report back from the insurance company and asked what it meant.

Leon Cook thinks Tom Rezsnyak did a good job. Tom Rezsnyak answered most of the questions. Now by this report, we know what we need to come up with for next year. We did better than we have in the past. He thinks next year we will do a lot better because now we know what we have to do through the year.

9) Senior Transportation & Housing.

10) Service Awards.

11) **SOTS & OCCRA Liaison.**

- **Increase in resident's complaints about lack of pickup (McClary, Dodge, Newell Hill).**

Supervisor Scammell said we did have an increase in complaints the past month. He called Feher and was advised that they were aware they had some problems and were working on them.

Councilman Knapp said he thinks last Wednesday went pretty well. He thinks they will be meeting with Feher soon to be sure these were isolated incidents.

Councilman Bailey said it seems it's about 7:00 p.m. when they pick up his trash. A couple of weeks ago he saw one of their trucks in the ditch.

12) **Water.**

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

Supervisor Scammell said the county requires more cash than we can afford to do this.

Councilman Knapp asked what the overall plan was.

Supervisor Scammell said to clean up the reservoir of sedimentation which has diminished the fishing and recreation in the area.

13) **Zoning Review.****a) Private horse stables - Under Review.**

- **PB/ZBA/CEO/CCF input.**
- **Pets/Private Stable/Public Stable.**
- **Fencing.**
- **Manure management.**

Supervisor Scammell said it seems to him that the main issue with horses is manure management. As near as he can determine, with manure management, if you are within 100' of a well, the county health dept. is concerned about it. If the manure is polluting a tributary or stream, the DEC covers it. For what he would call pets of 1 or 2 horses, he would have no concern about regulating it other than to come to the Planning Board for review.

Councilman Knapp agreed and said one step further would be when we do the simple subdivisions and have the Zoning Officer review them, maybe the Zoning Officer could review the request for 1 or 2 horses too? If he thinks there might be some concern, the request could be submitted to the Planning Board for review.

Councilman McConnell believes pets/private stables are one and the same.

Supervisor Scammell said if you have a large private stable, a manure management plan should be reviewed. There are guidelines which could be submitted for the resident to review before even going to the Zoning Officer. He noted a lot of folks aren't grazing their horses at all these days.

Councilwoman Smith thinks the main thing is to see not only horses but that any pets are taken care of and to be sure it's not detrimental to the neighbors.

Councilman McConnell said or encroaching on their space. He would be of mind to leave the requirement at 2 acres per horse.

Kevin Gilligan said the two acres per horse is as much a population control as well as a feed issue.

Supervisor Scammell would recommend stating it's up to two horses per 2 acres and a manure plan.

Kevin Gilligan said you might want to recommend the manure must be a certain footage from the neighbors' property.

Supervisor Scammell said the requirements could be as follows: shelter, up to 2 horses per 2 acres, and shelter must be 25' from the neighboring lot line.

Councilman McConnell doesn't believe we should get into shelter, etc.

Supervisor Scammell agreed as the Humane Association deals with cruelty to animals.

Councilman Knapp said it could just be outlined for folks that if they do wish to put up a structure, it must be 25' from the side property line.

Supervisor Scammell believes most of the issues of the pet horses are to make it as painless as possible but mainly to educate the resident's.

Kevin Gilligan said for smaller numbers of horses you could just state "no storage of manure within so many feet of a neighbor's property".

Ralph Lamson recommended stating a time-frame the manure must be removed, i.e. once every 2 weeks.

Kevin Gilligan said the zoning ordinance could be amended to read "For more than two horses, the following apply."

Ralph Lamson asked why not just allow a certain amount of land per one to two horses.

Supervisor Scammell would recommend an acre per horse and up to two horses.

Kevin Gilligan asked how far from the lot line would the Town Board like the manure to be.

Councilman Knapp suggested 75'.

Kevin Gilligan said it won't be the smell but it will be the flies that are a problem.

It was suggested up to 2 pets, an acre a pet, no appearance would be needed before anyone.

Kevin Gilligan said Ralph Lamson can pick up on the lighting when they apply for a building permit for a barn.

Supervisor Scammell said some simple guidelines could be worked up.

Kevin Gilligan said we could add the following to the Zoning Ordinance, "Under the following circumstances, no permit is required.."

Councilman McConnell brought up the Conners application for 6 horses and the fencing issues.

Supervisor Scammell asked why we care about the fencing.

Discussion took place regarding the amount of area needed to be fenced.

Supervisor Scammell would like to go to Cooperative Extension and a couple other places to find out what they feel is adequate for a larger number of horses.

Councilman Knapp said most of these folks spend a lot of money on these animals.

Kevin Gilligan advised "adequate" would be hard to defend due to its haziness.

Supervisor Scammell said the Town Board can review this matter and come back to the next Town Board Meeting with their definition of adequate fencing.

Ralph Lamson said if this is coming down the pike, he will advise the court regarding Terry esce Merron's violation.

Councilman McConnell asked if regarding research for the next meeting, would the Town Board like him to ask a horse expert to attend.

Supervisor Scammell said that would be fine.

Councilman McConnell will see what he can do.

b) Simple/small subdivision Guidelines - Under Review.

- **PB/ZBA/CEO/CCF input.**

It was suggested the Code Enforcement Officer review these.

Ralph Lamson thinks this would be a great idea. If someone wants to just move a lot line 3 to 4', he is in favor of this.

Supervisor Scammell asked about input from the Planning Board.

Kevin Gilligan will check with John Langey on this before the next Town Board Meeting.

Supervisor Scammell asked about the person who would like to give a couple of acres to a family member.

Kevin Gilligan said this would require a subdivision. A map is required.

The Town Board will review the fee schedule before the next meeting.

Supervisor Scammell said Kevin Gilligan will research before the next meeting what type of things the town can allow without going before the Planning Board.

c) Nonconforming Uses - Under Review.

- **PB/ZBA/CEO/CCF input.**
- **Building replacement after fires.**
- **Lapsing options (6/9/12 months).**

The Town Board reviewed the letter from John Langey dated June 16, 2003.

Councilman McConnell can't really see the goodness in not allowing a business to rebuild.

Ralph Lamson agreed. What if Tennessee Gas burned down, would the Town tell them they can't rebuild?

Supervisor Scammell said the person could come before the Town Board and ask for a zone change.

Discussion took place regarding someone being allowed to rebuild in the exact same footprints if the structure were lost due to fire, etc. Abandonment was discussed.

d) Corridor Plan.

e) Digitized zoning map.

8. LITIGATION & OTHER LEGAL MATTERS.

A. People v. Claire Watson.

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

C. PILOT agreement at Festival Gardens.

- **Current taxes compared to PILOT.**

This was discussed earlier in the meeting.

D. Noise/nuisance ordinance.

- **Public nuisance laws.**

- **Open burning/noxious odors.**

Supervisor Scammell is trying to get some guidelines regarding burning in general to put in the next LaFayette Newsletter.

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

Kevin Gilligan said this is very close to being completed. He is just waiting for the title policy.

9. UNFINISHED BUSINESS & ACTIVE PROJECTS:

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

B. ZBA Alternate member appointment.

C. Dell Bush stream naming.

D. Speed limit reduction request:

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

Supervisor Scammell advised the request for Route 91 was denied.

Councilwoman Smith said a request may be coming from Palladino Road for a speed reduction.

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.**

F. Groth Road Communications Tower Inspection.

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

H. Signs (BM).

Councilman McConnell said he will be getting together with Councilman Knapp to get some pictures and come up with a proposal for the Board.

I. Association of Towns resolutions (8).

The Board reviewed the resolutions regarding the following topics: NYS and Local Employees' Retirement System Payments, Collateral Source Legislation, Property Tax Exemptions, Condominium Assessments, Cable Franchise Fees, Unfunded Mandates, WICKS Law & Prevailing Wage and the Tort Reform.

Supervisor Scammell asked if the Town gets anything back from Time Warner.

Tom Chartrand said no. We don't collect a franchise fee.

Supervisor Scammell asked Kevin Gilligan if the Tort Reform was a good deal for the town.

Kevin Gilligan said there's an advantage to it as you are avoiding the jury. It's less expensive to have a non-jury trial. Probably it's a good idea.

Supervisor Scammell asked for any comments on any of the resolutions.

The Town Board was in support of all of them.

10. NEW BUSINESS:

A. Other.

Councilmen Knapp moved and McConnell seconded the motion for the Town Board to go into Executive Session to discuss an employee matter and to include the Town Attorney. Motion passed unanimously.

The Town Board went into Executive Session at 9:30 p.m. and the Regular Town Board Meeting was called back to order by Supervisor Scammell at 10:45 p.m.

Councilwoman Smith had to leave during the Executive Session.

Councilmen Knapp moved and Bailey seconded the motion to audit the Town Clerk Cash Book for 2003. Motion passed unanimously.

Councilmen McConnell moved and Knapp seconded the motion to correct the Employee Handbook to go back to 24

hours for the non-medical benefits and to make this retroactive. Voting was as follows:

| | |
|----------------------|--------|
| Supervisor Scammell | Aye |
| Councilwoman Smith | Absent |
| Councilman Knapp | Aye |
| Councilman Bailey | Aye |
| Councilman McConnell | Aye |

Motion carried.

Councilmen Knapp moved and Bailey seconded the motion to accept the listing of the 2003 members of the LaFayette Fire Dept. eligible for the Service Award Program as submitted. Motion carried.

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

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

| | |
|--------------|------------------|
| GENERAL FUND | # 467 THRU# 483 |
| HIGHWAY FUND | # 487 THRU # 497 |

Motion carried.

13. Executive session (as needed).
Occurred earlier in the meeting.

14. Councilmen Knapp moved and McConnell seconded the motion to adjourn. Motion carried.

The Regular Town Board Meeting adjourned at 10:47 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk