

Minutes of the Town Board Meeting held by the Town Board of the Town of LaFayette on February 23, 2004, 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
William McConnell, Councilman

Absent: David Knapp, Councilman
Thomas Bailey, Councilman (Arrived while Board in Executive Session)

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Kevin Gilligan, Town Attorney
Pete Paul, Deputy Supervisor
Capt. Bronstad, Sheriff's Dept.
Heidi Smith, Dodge Rd.
Tom Chartrand, Bookkeeper
Sue Snavlin, Dep. D.C.O.
Jim Sulecky, Longley Jones
Steve Meier, Everingham Rd.

1. Supervisor Scammell called the meeting to order at 6:30 p.m.
2. The Town Clerk took the Roll. Councilmen Knapp and Bailey Absent. All else present.
3. Pledge to the U. S. Flag led by Town Councilwoman Sandy Smith.
4. **Councilman McConnell moved and Councilwoman Smith seconded the motion to accept the February 9, 2004, Public Hearing Minutes as submitted by the Town Clerk. Motion passed unanimously.**
Councilman McConnell moved and Councilwoman Smith seconded the motion to accept the February 9, 2004, Regular Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.

COMMUNICATIONS:

A. Residents. No one came forward.

B. Onondaga County Department of Aging & Youth: Eighth Annual Intergenerational Celebration.

Supervisor Scammell advised the Eighth Annual Intergenerational Celebration will be held May 20, 2004, in the Empire Room at the NYS Fairgrounds from 4:00 – 6:00 p.m.

“Community Service awards will be given in both youth and senior categories. Other award categories include Volunteer Working with Youth, the Paula Flanders Caregiver of the Year Award, Professional Youth Worker, Intergenerational Volunteer and Senior Citizen of the Year, to name just a few.”

C. Onondaga Citizens League: Annual Report.

“In this 25th anniversary year of the Onondaga Citizens League, the OCL board reviewed past study recommendations and discovered that significant changes suggested by OCL have indeed come to pass. From full-value property tax assessment to charter change, from reducing the size of the county legislature to establishing social service satellites in schools, some of these good ideas took years to catch on....plans are underway for OCL’s 2004 study of political engagement in Onondaga County, which poses at least two important questions: Why do so few citizens vote? And why are so many election races uncontested?....

D. NYS Assemblyman Jeff Brown: Public Employees Pension Fund resolution.

“Thank you for forwarding to me the resolution passed by the LaFayette Town Board regarding the Public Employees Pension Fund. I appreciate your providing me with the perspective of your town government.

I agree with much of what you say in the resolution, including the negative impact that ever increasing pension costs have on local governments. This is an issue that needs immediate attention. I also agree that the answer is NOT to raise local property taxes.

As you may know, there is a dispute between the Governor and Comptroller Hevesi regarding the best way to address this issue. I am working closely with my colleagues in the legislature, as well as local officials such as Onondaga County Executive Pirro, to resolve this issue.

Again, thank you for the information, and please share my thoughts with members of your Town Board. If you have other concerns, please do not hesitate to contact me...”

E. Syracuse Post-Standard: Cell Tower Inspections.

“...The cellular telephone towers that come under strict government scrutiny before they’re erected in Central new York undergo little government inspection once they’re up...Of the local communities that have enacted laws, Geddes, Onondaga and LaFayette demand that tower owners file inspection reports with the code enforcement officer by Dec. 31 each year...Of LaFayette’s two cell towers, only the one owned by the town comes under the town inspection law...Tower owners typically follow much stricter, self-imposed guidelines, having their towers

inspected by trained staff or consultants every 12 to 18 months, on average, said Scott Musacchio, senior vice president of Mid-State Communications & Electronics, a cell-tower consulting firm based in Oriskany...”

F. NYS Office for Technology: Statewide Wireless Network.

“The New York State Office for Technology (OFT) is considering the development of a proposed Statewide Wireless Network (“SWN”) for voice and data radio communications services to enable public safety and public service entities operating within the State of New York to better respond to and protect our citizens...The proposed SWN project is intended to address two urgent and critical communications challenges faced by New York’s Public Safety community – the need to replace deteriorating infrastructure and the need for instant, rapid, secure communications capabilities between public safety authorities across multiple jurisdictions...A major component of the Department of Homeland Security’s (DHS) domestic preparedness initiatives is the ability of first responders to communicate during local or national crisis...Public safety, service agencies and first responders across the State operate on different radio systems and broadcast on different frequencies with dissimilar capabilities and degrees of effectiveness...Communication systems owned and operated by New York State agencies and local governments have aged to the point where they need to be upgraded...This letter is to inform you that the Office for Technology proposes to act as lead agency for the SEQRA review of this proposed project...Should you have direct jurisdiction over activities associated with this proposed project and you wish to be lead agency, a dispute may be brought before the Commissioner of Environmental Conservation in accordance with SEQRA rules and regulations...”

G. NYS DOT: Multi-Modal funding approval (\$5,000 - NYS Assemblyman Jeff Brown).

“I am pleased to advise you that your community has been designated to receive funding for Capital Project(s) through the Multi-Modal 2000 Program...The MM 2000 Program legislation requires that expenditures under this program be solely for capital projects within or between modes consisting of rail freight and intercity rail passenger facilities and equipment; ports and fixed ferry facilities; municipal and privately owned airports (excluding airports operated by the State or bi-state municipal corporate instrumentality or public benefit corporation); and State and local roads, highways, parkways and bridges...”

Supervisor Scammell said this is for the paving on Weller Road. Leon Cook has completed the paperwork and it has been mailed in.

H. Edwin Kelly (BS & K): Festival Gardens PILOT.

“Could you please let us now when the Town Board has its next meeting. We assume at that meeting the Town Board will review the request made by LaFayette Housing Associates to adjust the PILOT payments beginning in 2005. If helpful, I would be happy to come to the Town Board’s meeting to answer any questions...”

Supervisor Scammell believes the Board is still reviewing this and deciding where to go. He thinks Mr. Kelly has provided the financial statements needed.

I. Other.

Mr. Meier who resides at 2092 Everingham Rd. was present to recommend an amendment to the Zoning Ordinance for uses in an Agricultural/Residential District. He would like pet crematories to be allowed in this district. He submitted a packet of information on pet crematories.

Supervisor Scammell asked if it would be about the same distance back from Indian Rd. as the house is.

Mr. Meier said yes. His property borders the Onondaga Nation. The house is approximately 150’ to 160’ from Indian Road and the pet crematory would be the same. The nearest resident to the site is about 600’ from the actual building and they reside on Indian Road on the Onondaga Nation. He proposes to construct a pole-barn style building to house the crematory. The building would be insulated to help with any noise from the crematory while it is operating. There are currently a number of crematories operating throughout Onondaga County and central New York. Many of them have been grandfathered in from the current state regulations. The unit he is looking to place at his residence is required by the DEC to be monitored while in operation to be sure the stack hits 1800 degrees for pollution control, etc. A chart control is placed on the unit to monitor this during use. The installation of the unit will be supervised by the company that manufactures it and they guarantee it will meet all DEC requirements. He submitted information which came from tests done in California and by the EPA. The discharge for this particular cremator is going to be less than what you get from a standard wood-burning fireplace. Basically the units are extremely clean burning. The way this particular model is designed, the stack diminishes the temperature at discharge.

Supervisor Scammell asked what he will be using for fuel.

Mr. Meier said it will be propane fuel. He will more than likely have an above ground tank with 1,000 gallons of propane.

Supervisor Scammell asked if he had an idea of about how many animals he would be cremating.

Mr. Meier said his wife owns a veterinary service. They currently contract with a crematory in Skaneateles. Right now their turn-around

time is about 6 to 8 weeks for someone who would like their pets ashes returned. Initially the idea of establishing this business is to provide a better service for the clinic his wife owns. They are establishing the crematory as a separate business because they have checked with other veterinary clinics in the area who have verbally said they would use Mr. Meiers' business. His wife's clinic had to do about 150 cremations last year. He anticipates his business will do about 3 times that amount in the first year. He has spoken to veterinarians in the area to substantiate this. Burn time is about 1 – 1 ½ hours per a single animal. If there is a situation where the owner doesn't care about having the ashes returned, a couple of animals can be cremated together as long as they don't exceed the maximum of 300 pounds. The bones are ground up and put with the ashes when the owner would like the ashes returned.

Supervisor Scammell asked about how many animals he would cremate per year.

Mr. Meier said about 460 animals.

Supervisor Scammell asked where the closest place is that has Matthews cremation equipment in use.

Mr. Meier said there is one in the north country in Watertown. He is sure if any of the Board would like to go observe the facility, the owner would be happy to show it to them.

Councilman McConnell asked him if he was a veterinary.

Mr. Meier said no.

Councilman McConnell said in the information Mr. Meier supplied, he said he would attempt to minimize any disturbance to the neighbors. Could he explain what disturbances he anticipates?

Mr. Meier said he isn't saying anyone will be disturbed by the crematory as the nearest neighbor is 600' away. If there is any noise, he is planning on insulating the building to minimize it while the unit is operating.

Councilman McConnell asked what about odors.

Mr. Meier said initially there is no odor. He isn't saying in 5 years when the unit is a little older there won't be a little odor when starting it up. Essentially they are odor free. He doesn't anticipate any interferences with the neighbors but is going to take any steps to minimize them.

Councilman McConnell noted from the information provided that any ashes the pet owner didn't want returned, he would like to bury on site.

Mr. Meier said the only alternative is to have them go to a landfill. He believes the owner would prefer the ashes be buried and not sent to a local landfill. He actually has about 60 acres of land. The bones of the animal are ground up so they are of ash consistency.

Supervisor Scammell asked what the expected life of the unit is.

Mr. Meier said the unit can run indefinitely. Because of the heat generated in the unit, the maintenance would be to replace some parts on it. The unit is stainless steel. It won't rust. There's not a whole lot to it. It's basically a burner which requires very little maintenance. It's basically a big oven.

Councilman McConnell asked when he is proposing to start his business.

Mr. Meier said he is hoping to be able to get it started in August.

Councilwoman Smith asked if he needed any special licenses to operate this.

Mr. Meier said no. You just have to have special training on how to operate the equipment.

Councilwoman Smith asked how many ashes are there from an average size dog.

Mr. Meier said the ashes of an average 60 # dog might fill about a 1 ½ pound coffee can.

Councilwoman Smith asked if all he would be burying is ashes and the ground up bones.

Mr. Meier said it could be bones and ashes or just ashes. It depends what the Board allows him to do. It would be more economical for him not to have to grind up the bones.

Councilman McConnell asked if there are any requirements the County Health Dept. has on the burying of remains.

Mr. Meier said he will have to check on that.

Supervisor Scammell asked for any further questions or comments.

Dep. Supervisor Paul asked what the largest animal he would cremate would be.

Mr. Meier said he could cremate an animal up to 300#. He has no intention of cremating any zoo animals, etc. He plans on strictly cremating dogs, cats, birds and other small animals.

Supervisor Scammell asked him to give the Town Board a couple of weeks to review the information he submitted tonight and to have the town attorney review it.

Supervisor Scammell said he has had a request from a constituent regarding the Grimshaw gravesites. Mr. Grimshaw was the first principal of the centralized school district here. The Maple Grove Cemetery Fund is looking for a donation from the Town Board for an upkeep fund for these gravesites. He asked the town attorney if this would be legal.

Kevin Gilligan said no it wouldn't be.

Tom Chartrand said it might be similar to what the group that cleans up some of the cemeteries does.

Supervisor Scammell said anyone can donate something privately for this if they would like to.

Supervisor Scammell said the request from residents on Route 91 to reduce the speed limit was rejected by the D.O.T. A resident asked what they could do. He advised the resident they could call Assemblyman Brown's office. When she contacted Assemblyman Brown's office, he advised her the Town Board could send an appeal letter to the D.O.T. We have not had much luck over the years having a decision overturned but he would like the Town Board to consider whether they would like to send a letter of appeal or not.

6. **SPECIAL REPORT: PAETEC – ISP & email options.** No representative was in attendance.

7. **REPORTS:**

A. Departmental (4th Monday).

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

- **Junk vehicle status.**

- 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.

Supervisor Scammell said he has asked Ralph to update the violations on the spreadsheet he gave Ralph earlier.

- **Other violations.**

- a) **Apulia Road: Other trailer.**
- b) **5630 Amidon Road (Daniels) – living in tent, letter sent.**
- c) **Route 20 & Tully Farms Road – lumber & auto sales?**
- d) **Weisbrodt property on Route 11 South**

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

- **Onondaga County Winter Dog Quarantine – 1.1 -> 4.30, every year.**
- **Feral dogs.**
- **Billing query.**
- **Plastic airline crate for Jon Rogers.**
- **New Dog Regulations.**

Sue Snavlin said Jon Rogers called her this morning. He received the

minutes from the last meeting and is going to go get a cage. He said he has handled 3 dog complaints.

Sue Snavlin advised the Board there is a huge crematorium in Groton. The gentleman does 10-12 towns down there. She believes it's very strictly regulated by the state as far as emissions go. She believes there are quite a few regulations on this. She wondered if Mr. Meier's business is in Brewerton, why he would want to have the business here.

Supervisor Scammell believes it's because the closest one for this area is in Skaneateles.

Sue Snavlin said the one in Groton is not pleasant to be around. She knows she wouldn't want to live near one. It might be closer for the Board to go see the one in Groton. The owner is a very nice man and very meticulous in what he does.

Supervisor Scammell asked if he grinds up the bones.

Sue Snavlin said she is sure he does.

Councilwoman Smith asked Sue to give her the directions to it so she can go see it.

3) Highway Superintendent: Leon Cook.

- **SPDES/MS4 Stormwater Phase II (see J. Dunkle list).**
- **Weller Road (200' paving) grant – Forms from NYS Assemblyman Brown workup.**

Leon Cook said they have had a break in the last two days.

Other

than that, they have been busy. If it hasn't been snowing, it's been blowing. They don't have to use the sand and salt as much when it's just blowing. They only have to put it where it's drifted. So far they have used 3,200 ton of sand. He figures they have close to 2,000 ton left. They went around the town 75 times through January. So far in February, they have gone around 19 times. He estimates they have around 44 more times they can go around with the amount of sand they have left. The guys in the Highway Dept. think he will have about 1,000 ton left. He is hoping that is the way it will work out. If he has to get more salt in, he has to order it about 30 days ahead of time which doesn't allow him to know how much he will need. He will have to just wait and see. The paperwork is all completed and sent in to Assemblyman Brown's Office for the paving of Weller Road. He filed all the snow reports at the end of January. He had 75 trip tickets. He gave them to the County Highway Superintendent. He has had one phone call questioning the sub's. He had to tell them what their wages were and that there was no fringe benefits for the subs. He is hoping before the end of February, the Town will get ½ of the snowplowing check from the county. He hears they are running quite behind this year. He advised he had a small accident.

Supervisor Scammell asked if everyone was O.K.

Leon Cook said yes. It was really minor. It was 5 after 5 on the 3rd of February. He was plowing the Highway Garage drive and as he was entering the drive, a driver passed him on the right going North on Route 11. The other driver hit the wing on his truck. The other driver was going too fast for the road conditions as it was very, very slippery. The other vehicle wasn't damaged too bad either.

Leon advised they had their Safety meeting. The PERMA compensation report was discussed. One thing they lost points on was because the town doesn't require physicals in the Employee Manual. Tom Rezsnyak suggested we set up a doctor so our part-time help or new people hired would have a physical. The town would have to pay for the physical.

Supervisor Scammell isn't clear why we wouldn't want to give the current employees a physical.

Leon Cook said Tom Rezsnyak advised it's not necessary because they have already been around the equipment this long and if there is any damage to their hearing, it's already there. If you gave a physical to a new employee, you would find out if the employee's hearing was damaged already or if there was a previous injury that might surface after they have worked a few years.

Supervisor Scammell said so this is a new employment physical.

Leon Cook said yes. He doesn't think it would cost the town that much and if we have it in place, we wouldn't lose the points.

Leon said in the spring he is planning on going to a different radio frequency. In the wintertime, they have 5 radios on the road. His wife has a portable one at home. LaFayette and Fabius Schools are on the same frequency as the Highway Dept. Twice this winter he had a truck trying to get in touch with him as there was a problem with the truck and the driver couldn't get through to him. For some reason, the school's overpower the Highway Dept. He has discussed this problem with a gentleman in Otisco and he has a radio transfer station up. The Highway Dept. would have to change the frequency on the radios and would have to pay the gentleman for the repeater. Right now BOCES pays for the repeaters and takes care of renewing the license. The schools have a radio on every bus. Between the two schools, they are on the radio all the time. He doesn't know how much this will cost. He knows at one time there was discussion about putting something on our town tower. The problem is we would have to put up a repeater. The guy in Otisco will take care of renewing the license and already has a repeater. In the summertime it's not too bad as the schools are closed. It will be an extra cost. If it's going to cost too much, they will have to live with things the way they are for awhile.

Supervisor Scammell said he got a complaint. On the end of Stillmeadow Rd., one of the No Dumping signs was stolen and the resident would appreciate it if the town would put one back up.

Leon Cook said it's a county road but the signs are the town's. Supervisor Scammell said someone ended up dumping back there. Leon Cook said someone dumped on Naughton Road just before Webb Road where the woods are.

Supervisor Scammell asked about how long ago.

Leon Cook said during last week. One of the guys at the Highway Dept. saw it. Leon called the Troopers right away and they said they would send someone over to check it out. He received a report that there was a black van there with the Troopers car. Everything was then picked up. He doesn't know who it was but could talk to the Troopers and find out. Either the Troopers, Sheriff's or DEC take his calls for this. There is a \$500 fine for dumping. He will replace the sign on Stillmeadow. It might not be until the snow has gone down some.

The Town Board reviewed the quote from Babcock Highway Supply for signs.

Leon Cook said the gold lettering and reflective background are what make the signs a little more expensive.

Councilman McConnell would suggest placing the signs a little closer to the hamlet so there is a few more people to keep an eye on them to deter any vandalism of them.

Leon Cook said they can be put anywhere the Town Board wants them put.

Councilman McConnell asked if they could be attached to existing signs for LaFayette.

Leon Cook said if the Board has another sign, you could probably put them on an the same posts.

Councilman McConnell would like to do that. This came up at the beginning of the year. He spoke to Jerry Kelly about it.

Councilwoman Smith asked about how long these signs last.

Leon Cook said they should last 10-15 years. The sun is the hardest on them.

Councilman McConnell moved and Councilwoman Smith seconded the motion to appropriate \$240 from the Celebrations Account for the purchase of four "Welcome to LaFayette Home of the 2003 NYS Class C Boys Lacrosse Champions". Motion passed unanimously.

Leon Cook said he will get together with Mary Jo to order the signs.

Supervisor Scammell asked if the 3,200 ton Leon mentioned earlier was the sand and salt mixed or just sand.

Leon Cook said the sand and salt mixed.

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

- **January Report for Justice Dept.**

Supervisor Scammell noted there were 290 cases and \$25,589 turned over to the town.

- **November & December Report for Malcolm Knapp.**
 - **November & December Report for Maureen Perrin.**
 - **Credit card – implementation.**
- 5) **Library Director:** Scott Kushner.
- 6) **Recreation Director:** Regina Reinschmidt.
A written report was submitted.
- 7) **Town Clerk:** Mary Jo Kelly.
- **January Report.**
A written report was submitted.
 - **Town of LaFayette Codes, Laws, Ordinances & Policies.**
- 8) **Town Supervisor:** Greg Scammell.
- **January Report.**
A written report was submitted.
 - **Intermunicipal Cooperation & Consolidation.**

Tom Chartrand said Regina Reinschmidt asked the Board to appropriate the money left from 2003 Youth Program to Youth Program Equipment. Butler Fencing wanted the check from Community Council and not the Town. We do have the check back now from Butler Fencing. They would like their check to agree with the contract.

Councilwoman Smith moved and Councilman McConnell seconded the motion to make the following transfer:

To: A7310.2 Youth Program Equipment	\$3,800.00
From: A599 Surplus 2003 Youth not spent	\$3,800.00

Motion passed unanimously.

Tom Chartrand submitted a copy of the Annual Report which goes to the state and the Annual SOTS report. Mary Jo will publish a notice in the paper that the Annual Report has been filed.

B. Committee (2nd Monday).

- 1) **Communications & Technology .**
 - a) **Website** (Home grown, Digital Towpath, PAETEC, other) alternatives and email (AOL, PAETEC, other) alternatives.
Need costs.
- 2) **Emergency Response.**

- **AEDs (Defibrillators).**
- **Local alerts notification to public.**

3) Employee Policies & Benefits.

4) Environmental & Conservation Advisory Board.

5) Highway .

6) Physical Plant.

- **Leaking over library circulation desk.**

Supervisor Scammell said there is leaking over the library circulation desk again.

- **LaFayette Commons: SW walls, scheduled for Spring, 2004.**
- **LaFayette Commons: Heat tape to be installed in valley over library entrance.**
- **LaFayette Commons: Resheet rock repaired area over Library circulation desk area, Spring 2004.**
- **LaFayette Community Center: Insulate or heat tape over the kitchen area to prevent ice buildup.**

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.

8) Safety.

9) Senior Transportation & Housing .

10) Service Awards .

11) SOTS & OCCRA Liaison.

- **Amendment to Volunteer Firefighter Service Award Program (deferred until 2003 bill jackets are available for review).**

12) Water.

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

13) Zoning Review .

a) Private/Public horse stables – Under Review.

- **PB/ZBA/CEO/CCF input.**
- **Not regulated: 1 or 2 w.1acre each.**
- **Fencing: 2 open acres + 1/5th acre per horse minimum..**
- **Manure management plan.**

Supervisor Scammell said this is scheduled for a public hearing next month.

b) Simple/small subdivision Guidelines – Under Review.

- **PB/ZBA/CEO/CCF input.**
- **TB review .**
- **Fee schedule.**
- **NYS Comptroller’s opinion.**

Supervisor Scammell is working on this.

Kevin Gilligan believes the Board is waiting for some feedback from the Planning Board. He thinks at their last meeting there was a recommendation to form a committee with people from the Town Board, Planning Board and Code Enforcement.

Supervisor Scammell said he would be happy to serve on this committee if the Town Board would like him to.

Kevin Gilligan said he might ask the chair people from the Zoning Board of Appeals and Planning Board, the Code Enforcement Officer and maybe Mary Jo as she fields a lot of the questions from people who come in. John Langey said he would come out and sit with the committee to review the issues.

Supervisor Scammell asked who’s going to keep it going? He asked if John Langey could prepare a little structure for the committee members to work with. As soon as he receives this information, he can send it out to the committee and set a meeting up.

c) Nonconforming Uses – Under Review.

- **PB/ZBA/CEO/CCF input.**
- **Building replacement ok after fires.**
- **Lapsing options (12 months, renewable up to a year (insurance delays)).**

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.**

D. Noise/nuisance ordinance.

- **Public nuisance laws. NYS Penal Law, Section 240.20.**
- **Open burning/noxious odors.**
 - **NYS Penal Law .**
 - **CCE materials .**

Supervisor Scammell said he still needs to get some open burning information.

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

Kevin Gilligan advised this is done.

F. Dog Regulations draft.

Councilman McConnell asked where the issue originally came from.

Kevin Gilligan said from a Town Topics article.

Councilman McConnell confirmed it wasn't from someone in the Town

of LaFayette.

Kevin Gilligan said no.

Councilman McConnell said if we adopt this, it's a tool for the Sheriff's Dept. or someone like that.

Kevin Gilligan said if they wanted to cite someone regarding a barking dog problem, this would give them the power to cite someone and bring them into court. It's a law that would be a tool for them.

Capt. Bronstad thinks the big problem is for someone who goes on vacation and leaves their dog out and the neighbor feeds the dog and the dog barks the whole time the owner is gone.

Councilman McConnell asked if Kevin Gilligan got any feedback from the Justice Dept.

Kevin Gilligan said no.

9. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. Time-Warner Cable TV franchise renewal.

- **Franchise fees.**

Supervisor Scammell would prefer that we leave it the way it is. He receives complaints about the cable bills being too high as it is. This fee would be passed onto the users so he isn't really in favor of it. It would

be a revenue to the town but it's a revenue that would be passed on to the users in their bills.

Councilman McConnell asked if the town could set the franchise fee and state it couldn't be passed on to the customer.

Supervisor Scammell said we have no control over their billing to their customers.

Councilman McConnell asked if any other towns have a franchise fee.

Tom Chartrand said Tully and Pompey do. Tully's franchise fee is with AT & T. It's only the users that pay the franchise fee. The maximum is 5% of the cable bill.

Kevin Gilligan said it might be \$2.50 a month added onto the bill.

B. ZBA Alternate member appointment.

C. Dell Bush stream naming.

D. Speed limit reduction request:

- **Keough Tract.**

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. Bolt replacement.

H. Signs.

Councilman McConnell took some pictures today of some signs in the area. Bill Lund gave him the contact for where they got the Tully signs. This is why he asked Leon Cook earlier in the meeting about placing more than one sign on a post.

Capt. Bronstad said Marcellus has some nice signs too.

Councilman McConnell will check them out. He will get the pictures developed for the next meeting as well as put together some suggestions.

10. NEW BUSINESS.

A. Other.

Supervisor Scammell said some of the resident's from Route 91 have asked the Town Board to appeal the D.O.T. decision regarding the speed limit reduction.

Councilman McConnell moved and Councilwoman Smith seconded the motion to send a letter of appeal to the Dept. of Transportation for the Route 91 speed limit reduction request and to ask the D.O. T. to

**provide this Board with more information as to why it was rejected..
Motion passed unanimously.**

Kevin Gilligan wanted the Board to know that the Planning Board has decided to challenge the Code Enforcement Officer's determination of the helicopter application. It was their opinion that it is not a private airstrip.

Supervisor Scammell asked what happens now.

Kevin Gilligan said it goes before the Zoning Board of Appeals for their interpretation. If any board challenges a Code Enforcement Officers determination, it goes to the Zoning Board of Appeals for interpretation.

Supervisor Scammell asked what happens if the Zoning Board of Appeals challenges a decision of the Code Enforcement Officer.

Kevin Gilligan said that would be difficult. A member could challenge it but then that member cannot be involved in the determination.

Supervisor Scammell said the Zoning Board of Appeals will either affirm or reject the Code Enforcement Officer's determination.

Kevin Gilligan said that is correct.

Supervisor Scammell asked if there is an appeal process for the Code Enforcement Officer.

Kevin Gilligan said no. An Article 78 could be filed by the applicant which would be decided n the Supreme Court.

Mr. Meier retuned to the meeting to supply information regarding the cremator.

Councilwoman Smith said no one would be dropping animals off at his residence.

Mr. Meier said he would be dealing with the veterinary clinics directly so he would be picking the animals up himself.

Councilwoman Smith moved and Councilman McConnell seconded the motion for the Town Board to go into Executive Session to discuss a matter of litigation and to include the Town Attorney. Motion passed unanimously.

The Town Board went into Executive Session at 8:05 p.m and Supervisor Scammell called the Regular Town Board Meeting back to order at 9:50 p.m.

Councilwoman Smith moved and Councilman McConnell seconded the motion to approve the Reagan Maher insurance agreement for \$30,863 for the term beginning March 1, 2004 and ending February 28, 2005 and to authorize the supervisor to sign any documents and take any actions necessary to initiate the policy including payment of the premium. Motion passed unanimously.

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:**

HIGHWAY FUND	# 638 through # 645
GENERAL FUND	# 646 through # 671
SPECIAL DISTRICT FUND	# 672
TRUST & AGENCY FUND	# 673 through # 676
COMMUNITY DEVELOPMENT & CAPITAL FUND	# 678

Councilman Bailey said he attended a workshop at O.C.C. this evening regarding federal grant writing for fire departments. Congressman James Walsh was in attendance and gave some introductory remarks. Through the Homeland Security Office, last year this grant dispersed 11 million dollars to fire departments throughout central New York. The program started approximately 4 years ago. 90 million dollars was distributed nation-wide. They are looking at something like that again this year nation-wide. This workshop was instructional information on how the grant works. It's done online. The date to file begins March 1, 2004 and runs for 30 days. This covers a wide range of things from modifications to the fire house (up to \$10,000/year) and the opportunity for apparatus replacement. The average amount distributed was in the range of \$83,000. This is a good opportunity to get this grant application in. Usually around July the notification is given as to whether or not you are accepted.

Councilman McConnell asked if Councilman Bailey had to write the application.

Councilman Bailey said he will work with the LaFayette Fire Dept. to write the application.

13. Executive session.

Held earlier in the Meeting.

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

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

Respectfully submitted,

Mary Jo Kelly

Town Clerk