

Minutes of the Town Board Meeting held by the LaFayette Town Board on September 13, 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, Town Councilwoman
David Knapp, Town Councilman
Thomas Bailey, Town Councilman
William McConnell, Town Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present:

Leon Cook, Highway Superintendent
Kevin Gilligan, Town Attorney
Thomas Chartrand, Bookkeeper
Marshall Taylor, Assessor/Clerk
Jacqueline McIntosh, 2395 Rte. 11A
Randy Taylor, 2398 Rte. 11A
Megan E. Thousand, 2398 Rte. 11A
Sue Snavlin, Dep. D.C.O.

1. Supervisor Scammell called the meeting to order at 6:35 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to the U.S. Flag led by Town Councilor Bill McConnell.
4. Councilman McConnell had two corrections to the August 23, 2004, Town Board Meeting Minutes. On page 23, 8th paragraph "MacMackin" should read "MacDaniel" and on page 16, second from last paragraph "say" should read "pay".

Councilwoman Smith moved and Councilman McConnell seconded the motion to accept the August 23, 2004, Town Board Meeting Minutes as corrected. Motion passed unanimously.

5. **COMMUNICATIONS:**

A. Residents.

Jackie McIntosh said they have concerns about the dog ordinance or a noise ordinance in Cardiff. They have a problem with barking dogs.

Supervisor Scammell said he will get her a copy of the NYS Disorderly Conduct Law which deals with noise.

Randy Taylor would like to reiterate what Jackie McIntosh said about the dog problem in their area. They have a petition signed by the residents in the area.

Councilman Knapp asked if there is one specific house or dog they are talking about.

Randy Taylor said there is one in particular they are talking about but since circulating the petition it has come to light that there might be 2 or 3 others.

Councilman McConnell asked him to read the petition.

Randy Taylor read the following:

“We the undersigned resident homeowners in Cardiff, of the Town of LaFayette, N.Y., do swear that these affronts have occurred and are an ongoing nuisance and/or menace.

- 1) The outdoor pit-bull terriers kept at the rental property owned by Timothy Meyer (3597 State Rte. 215, Cortland, NY 13045-9440), at 2400 Rte. 11A, LaFayette, NY constantly bark and growl at all hours of the day and create a nuisance environment where sleep and peace of mind are impossible.
- 2) The pit-bull terriers at the rental property at 2400 Rte. 11A have charged, chased, and cornered in their vehicles, taxpaying homeowners of Cardiff. Residents are fearful of attack by these aggressive pit-bulls.
- 3) A pit-bull terrier from the rental property owned by Timothy Meyer of Cortland, N.Y., entered the Taylor premises at 2398 Rte. 11A, on 9/2/04, and mauled to death the owners 5 year old household cat in front of the 10 year old son and his mother of 2398 Rte. 11A.

Therefore, we the undersigned resident petitioners, put forth this format demand;

That Timothy Meyer of Cortland N.Y., owner of the rental property at 2400 Rte. 11A, be directed to remove all outdoor pit-bulls from his residence, currently occupied by Tamara Cook and Benjamin Kolbasook, or demand these same renters vacate the premises with the dogs, or the Town of LaFayette seize the dogs for violation(s) of Local Law 2-2002, and 2-2004, sections a, b, and c.”

He submitted a copy of this petition for the record.

Councilman McConnell asked if he had brought this issue up to anyone prior to tonight.

Randy Taylor said they have been in constant contact with the Onondaga County Sheriff's Dept., the State Troopers and the Dog Control Officer. They have talked to Sue Snavlin constantly about this. She wants to be kept up-to-date.

Councilman McConnell asked if the law enforcement had cited the owners.

Randy Taylor said they advised it was up to the Town of LaFayette and the Dog Control Officer said to call law enforcement. On page 2 of the Dog Ordinance it states the Town does have the authority to seize the dogs. In Section 4 it advises the dogs may be seized if they are in violation. The nuisance problems are the barking and when they are off their lines. There's a padlock on one of the dogs now to keep it on the line. There have been two incidents when his sister-in-law has come to visit and the dogs are up on the car so she can't get out.

Supervisor Scammell asked about how long ago this occurred.

Megan Thousand said 9/1/04.

Councilman McConnell asked if anyone responded to it.

Megan Thousand said she was on her cell phone and lost the signal.

Councilman McConnell asked if Sue Snavlin was called.

Sue Snavlin said she was called after the fact. She was not called while it was happening.

Councilman McConnell asked if the owner is unresponsive.

Randy Taylor said the dogs are right there and the owner won't quiet them down.

Megan Thousand showed some pictures of the dogs to the Board.

Councilman McConnell asked if the owners knew these resident's were coming to tonights meeting.

Megan Thousand said no.

Councilman Knapp asked if when the dogs jumped on the car they were still on their chains.

Megan Thousand said no, they were loose.

Randy Taylor said the smaller dog jumps out of his cage. In Section 4 of the local law a, b & c are all being violated. When they call Sue Snavlin it's not an immediate response as it's not an emergency. By the time Sue Snavlin attends to the situation, the dogs have quieted down and it's not an issue. Law enforcement isn't going to come right away for barking dogs. There are people who signed the petition who are just as adamant as he is about these dogs. Dave Diliello's daughter was chased by one of the dogs. One of the dogs killed his cat. Mr. Diliello is moving to Tully and he and his wife are considering doing the same thing. It's not enjoyable living in LaFayette anymore. The stress level is incredible.

Megan Thousand said she has called the landlords and they do know about the dogs. Basically they say it isn't their problem.

Councilman McConnell asked what the residents response was to the cat.

Megan Thousand said Ben (the owner) apologized but said here's money to go buy another cat.

Randy Taylor said the owner is very defensive. That is a neighbor to neighbor issue and he's here to address the dogs. They are at a point where the stress level is really draining them. It still remains an issue. All the people who signed the petition are right behind them on this.

Councilman McConnell asked how many people on the petition are neighboring property owners.

Randy Taylor said they are all neighbors. He hasn't spoken to the rest of the neighbors yet. He is going to continue around the area with the petition.

Councilwoman Smith asked how long this has been going on.

Megan Thousand said it started prior to July 6th but that is when she started documenting things.

Randy Taylor said it's all hours of the day and night. The Sheriff's are noting the comings and goings at the home.

Megan Thousand said there are 4 dogs all together. One of them is an indoor dog. He does get out once in awhile.

Randy Taylor said he has been chased by two of them and one has chased his wife and the little girl across the road. He would like to know how and why this dog got placed with these people.

Councilwoman Smith asked if it was just the pit-bulls causing the problem.

Randy Taylor said there are 3 of them. They are aggressive. The dog that is in their house isn't the issue. That one will defecate on his property but that is not the

issue they are here about. The canine officer from the Sheriff's Dept. agreed the brown and white dog is an aggressive dog.

Supervisor Scammell asked when the first incident took place.

Randy Taylor asked if he meant the first barking or chasing incident.

Megan Thousand said it was before July 6th.

Supervisor Scammell noted it was earlier this year.

Randy Taylor said trying to live civilly with their neighbor they asked the owners to please handle the problem.

Supervisor Scammell asked if they have always had the 4 dogs.

Randy Taylor said they started with the one dog inside and then they got the other 3.

Megan Thousand said they have always had 4 dogs. The brown and white one is fairly new as they lost one prior to getting it. It's the brown and white pit-bull that killed her cat.

Randy Taylor said supposedly the owner said he rescues dogs from dog fighters wherever they may be. The only time these dogs are attended to is when the neighbors or Sue Snavlin make an issue of it and then they are left for days again with no attention.

Supervisor Scammell asked how often this occurs.

Randy Taylor said 1/3 of the time they are barking.

Jackie McIntosh said she lives across the road and down from the home by a couple of houses and it's annoying to her.

Megan Thousand said the owners like to sit in the driveway and have a lot of company late at night and the dogs bark every time someone comes or goes.

Randy Taylor said the constant coming and going for a 5 minute stay keeps the dogs barking. Jim Nakas is amazed that the 4 pit-bulls can be in a small postage stamp size yard.

Jackie McIntosh said she has asked the owners to keep the dogs quiet and they don't care. She can have her windows closed and the stereo on and still hear them barking.

Supervisor Scammell asked if the dogs had chased anyone other than Randy Taylor.

Megan Thousand said Randy's son got chased back into the house. A little girl across the street was chased. She has been chased and so has her sister-in-law.

Randy Taylor said he can get a signed statement from Mr. Diliello if the Board would like one.

Supervisor Scammell asked when this happened.

Randy Taylor said sometime this summer.

Supervisor Scammell asked if the dogs are O.K. around the kids.

Megan Thousand said they bark and seem to want some kind of interaction. She doesn't let her son go over there anymore because she worries about the dogs getting loose. She saw what the one dog can do when it attacked her cat.

Randy Taylor said the owners assured them the dogs won't attack children. He is pretty sure the dogs wouldn't attack the owners children but he can't guarantee the same for other people's children. When the dog is chasing you, you get a little upset.

Supervisor Scammell is very sorry about their cat. He asked Megan to explain what happened.

Megan Thousand said her cat was on the porch. Her son screamed "Mom, the dog has the cat". She ran out. The dog was on the porch shaking the cats head. It was very scary for everyone. She yelled to the neighbors to please get their dog as it was killing her cat. It dropped the cat once. She grabbed a broom but the dog got the cat again and it broke her cat in half. She isn't sure who grabbed the dog. The cat was still alive and she wrapped a towel around it. The owner's daughter called the owner. Megan called the vet and went out to the car with the cat. Ben (the owner) pulled out money to pay for the vet bills. She said she didn't want to talk to him then as she needed to get to the vet.

Randy Taylor said this was just before he got home. The neighbor never told him Megan was at the vet's. They aren't caring neighbors like the rest of the neighbors in the area are. They are upset citizens. The peace and quiet in Cardiff is gone. Every time Sue Snavlin comes over, you get their best behavior. The rest of the time the residents are living there it's not that same behavior.

Supervisor Scammell asked Sue Snavlin for any comments.

Sue Snavlin said other than Randy Taylor and Megan Thousand, no one has ever called her. She asked Jackie McIntosh if she had ever called.

Jackie McIntosh said no. She wears a headset now when she is outside.

Sue Snavlin said she has spoken to David Diliello who is moving to Tully because his mother died. He wasn't too disturbed about the dog situation. She takes offense to people signing a petition who haven't called her. There is a process to be followed. If you feel the dogs are dangerous or are a nuisance, you must file a complaint and go through the court. All she does is go over when she is called to see what the problem is.

Councilman McConnell said according to the ordinance, Sue Snavlin does have the power to cite the owners.

Sue Snavlin said regarding the barking, they haven't barked when she is there.

Randy Taylor said he challenges this as when she came the first couple of times they barked the minute she pulled in the driveway.

Sue Snavlin said it's hard to say. Even her dog would bark if someone pulled in the driveway. The issue of the cat she discussed with Megan. At the risk of causing a major argument, she knows the Sheriff's told them unfortunately dogs and pit-bulls will go after cats. She loves cats. No one wants this to happen. Randy Taylor talked to Jon Rogers at work and according to Jon Rogers the cat went over to the dog on its chain. There are some conflicting stories.

Megan Thousand said she was there and the cat didn't go over to the dog.

Sue Snavlin said she is just repeating what Jon Rogers told her. Cat's are not protected under the town's ordinance. There's not much she can do about it when she spoke to the owners (Ben and Tamara) they were very upset about this. She has spoken to the landlord who told her they have lived there going on 2 years. It's only been the last couple of months that she knows of that there's been a problem. Every time they call her, she goes over.

Megan Thousand said she tried to call Sue Snavlin and there was no answer so she left a message when the cat was killed. She also called Supervisor Scammell and left a message on his phone.

Sue Snavlin said Jim Nakas could have called her. Jackie McIntosh could have called her. She always comes when she is called. Everyone has a process they must work through. You can't just go take the dogs away. The owners have moved the kennel and chained the dogs. They have a shared driveway and Megan and Randy are going to hear the dogs because they live so close.

Jackie McIntosh said she lives down the road. The noise from these people has been going on. She has called law enforcement.

Sue Snavlin said the issue we are dealing with right now is the dogs.

Jackie McIntosh said at 11:00 p.m. on a Sunday night she would like to be able to sleep.

Sue Snavlin said that is O.K. but this has nothing to do with go-karts or loud music.

Megan Thousand said she has called Sue at night before.

Sue Snavlin asked them if she has ever refused to come over.

Randy Taylor said she comes a day or two later.

Megan Thousand said she doesn't know what the answer is. They leave messages.

Jackie McIntosh said now that she is aware there's a number she can call, she will be making calls.

Sue Snavlin said over the weekend she had 6 calls day and night. She is doing her best to solve this. She doesn't think it's fair to talk about the go-karts when the neighbors have 4-wheelers which probably make the dogs bark too.

Randy Taylor said Sue can come live in his house for a week and see if she feels the same way at the end of the week.

Sue Snavlin said she has to be fair to everyone. She is hearing two conflicting behaviors.

Randy Taylor said he doesn't understand the conflicting stories. Their cat would never go over to an aggressive dog.

Megan Thousand said as far as Sue's statement that she is doing everything to resolve this, they complained in the past about the barking dogs and when the owners lost one dog, Sue allowed them to adopt the brown and white one that killed her cat.

Sue Snavlin said they adopted a pit-bull because they had one that got off its chain and totally disappeared. She had a pit-bull that was very quiet at the shelter. She hadn't had any phone calls for about 1 ½ months about barking dogs.

Randy Taylor said this was during the time they were trying to talk to the owners themselves without calling someone all the time.

Councilman Bailey asked if all these dogs are licensed.

Sue Snavlin said yes. One is a puppy. They all have their shots. People are nervous about pit-bulls. The puppy is fine. One of the dogs comes over and puts its head on her lap.

Supervisor Scammell said one of the dogs is in the house. The two dark pit-bulls are somewhat contained.

Randy Thomas said they have two tow-chains on them now.

Sue Snavlin said the owners are padlocking them now to assure they don't get loose.

Councilman McConnell asked how Sue came across these people to have them adopt the dog.

Sue Snavlin said she's been down there before.

Councilman McConnell asked if it was for this reason.

Sue Snavlin said yes.

Councilman McConnell asked Sue Snavlin if she felt this would be a good situation.

Sue Snavlin said yes. They are very nice people. Every time she has asked them to do something, they have been more than willing to do it.

Councilman McConnell said he is hearing two different stories.

Sue Snavlin said there are sometimes three. Not one of the people who signed the petition has ever called her.

Supervisor Scammell said there's no complaint in the petition about Sue Snavlin as Deputy D.C.O. The complaint is about the dogs.

Sue Snavlin said she can't take care of the problem if no one calls her.

Councilman McConnell asked if all the complaints to the authorities have been about the dogs or have there been other issues too.

Randy Taylor said they have been for the dogs only.

Councilman McConnell asked if there have been any other issues they have complained about to the authorities.

Megan Thousand said yes.

Councilman McConnell asked regarding the items on the petition, what does our dog ordinance enforce?

Kevin Gilligan said the ordinance says it's unlawful for the dogs to be making noise that would disturb a reasonable person of normal sensitivity, cause damage or destruction to property, defecate on premises, chase or harass any person or habitually run along side a car. We have heard all of these issues here tonight.

Councilman Knapp asked what the proper procedure for enforcement would be.

Councilman McConnell noted the Board changed the 15 minute time-frame this year.

Sue Snavlin asked if the ordinance states we can seize dogs.

Kevin Gilligan said it states if you are going to seize a dog it must be pursuant to the Ag. & Markets Law.

Councilman McConnell said the process needs to be defined. He does agree that something needs to be done.

Sue Snavlin said the process, she believes, is to file the information and swear out a violation. Both parties come before the local court and it's up to the judge to make the determination. She believes you have to file a complaint with the court.

Kevin Gilligan said usually the Dog Control Officer can assist in this.

Councilman McConnell asked if there is anything authorizing this Board to do anything.

Kevin Gilligan said no.

Megan Thousand said they need to know what to do.

Kevin Gilligan said Sue Snavlin can assist them in filing the complaint with the court. IF she witnesses the violation, Sue can file the complaint herself. If not, she can help them file it. This gets all parties involved before the judge who will make the determination.

Councilman McConnell said the law is stricter now and more enforceable.

Sue Snavlin said she tried to explain to Megan and Randy that you cannot determine whether a dog is vicious or not without going through the court system.

Councilman McConnell said he would disagree due to the behavior the dog displayed around the cat and its behavior around individuals. He would not want to have to worry about getting out of the car because of the dogs.

Sue Snavlin said a few weeks ago Megan Thousand and Randy Taylor were at the owners house. Megan and Randy called her one night at midnight about a problem with the dogs and she went over there and there wasn't a sign of anyone around. She has to go by what she can see. She has to be careful too.

Megan Thousand said she can continue every single night to call Sue.

Randy Taylor asked if they get 20 minutes of videotape of the dogs barking, would that work?

Supervisor Scammell said the court would make the determination.

Randy Taylor said law enforcement has told them to document everything.

Supervisor Scammell said in filling out the complaint, the Dog Control Officer can assist them.

Kevin Gilligan said the Dog Control Officer should assist them.

Supervisor Scammell asked what happens then.

Kevin Gilligan said it's filed with the court and the court issues a summons for the defendants to appear in court on a certain night.

Randy Taylor asked if the issues they have discussed are violations of the law.

Supervisor Scammell said it would be up to the court to decide.

Kevin Gilligan said they will present their side of the matter and the defendants will present their side and the judge will make the determination.

Randy Taylor said he has a problem with someone who his taxes pay their salary having an attitude. It gives him a bad taste in his mouth. The petition was to bring the violations to the Town's attention.

Supervisor Scammell believes the petition would be part of the case they present to the court. This Board hears what they are saying but doesn't have any authority to make a determination in this matter.

Megan Thousand said they need to swear out a complaint with the judge.

Councilman McConnell said the Board is now aware of this and there is a history that Sue Snavlin knows about. There's a process you need to work through either with the Dog Control Officer or on their own to swear out the complaint.

Randy Taylor said by the time they call Sue, their wires have been snapped. By the time she gets there, it's not the same.

Megan Thousand said it's not the same as when she's up at 2:00 a.m.

Jackie McIntosh said they can start calling at 2:00 a.m.

Sue Snavlin asked if she had ever been rude to either Randy or Megan when she came to their house.

Randy Taylor said there was one time when she came to the house and said "I don't want to call you a liar, but..."

Supervisor Scammell asked if Sue was comfortable working with them on this.

Sue Snavlin said actually it might be better if Jon Rogers dealt with them. She never ignores phone calls and gets there as fast as she can. She has tried but guesses she is not communicating well.

Randy Taylor said when they make the call, he doesn't expect Sue to be there right away. They are documenting everything like they are being told to do.

Supervisor Scammell asked if there needs to be more calls.

Kevin Gilligan said it can help if you have evidence of the logs of when you make calls to the police dept. He would suggest the people who signed the petition come with them to speak when they go to court.

Supervisor Scammell isn't sure where we are going with ongoing calls.

Randy Taylor said they want documentation from the town that they are calling.

Megan Thousand said they have a non-emergency number they can call for the Sheriff's Dept.

Supervisor Scammell said it's not a question of whether the police will come out but that the call is documented.

Kevin Gilligan said they will need to get the logs of their calls. This goes in with the rest of their evidence.

Megan Thousand said her son now has to wait for the bus on the porch. She doesn't want it to get to the point where someone gets hurt before something is done. She doesn't think the family was researched enough before allowing them to adopt this dog.

Supervisor Scammell asked if they must work with the D.C.O. on this.

Kevin Gilligan said no.

Supervisor Scammell said he is concerned as Jon Rogers is working a lot of hours.

Randy Taylor asked why we have dog control in LaFayette if nothing can be done to control dogs.

Councilman McConnell said we do have very capable people in these positions. Jon Rogers is resigning because of his work hours. He has worked personally with Sue Snavlin before and she's very capable. Because Sue has recused herself, he would recommend they come directly to the court and file their complaint.

Supervisor Scammell asked if there is a form which needs to be filled out.

Sue Snavlin said there is an information sheet which must be filled out. She believes the complaint must be sworn before the judge.

Councilman Bailey said you need a Voluntary Affidavit. If you were to call Capt. Bronstad's Office, he can get you the necessary form. Just tell them you need a CHAIRS Incident Report prepared. Most of the Sheriff's carry Voluntary Affidavits with them. Under the penalty of perjury, you swear everything you wrote you have witnessed. You, as the complainant, would file the information.

Councilman McConnell said they also have to stop into the court to get on the docket.

Megan Thousand asked what the first step is. She was advised to first file the complaint with the Court Clerk and second talk to Capt. Bronstad about a CHAIRS

Incident Report documented by a Deputy Sheriff. The affidavit would be prepared by the complainants.

Supervisor Scammell said you don't want to go to court first. You get in touch with Capt. Bronstad first.

Councilman Bailey said when you are talking with the Sheriff's Dept., you can ask them for some affidavits.

Randy Taylor said then they submit this information to the Court Clerk.

Sue Snavlin said she is not refusing to help. If Megan would like her to help her, she can give her a call.

Megan Thousand said if she has any questions, she will call Sue.

Sue Snavlin said she can tell Megan the process. She will call Maureen Perrin tomorrow to get the steps down for the appropriate way to go.

B. Onondaga County Department of Emergency Management: Damage Assessment Report.

"We are compiling a Damage Assessment Report to ascertain the Impact on the County and to submit to the NYS Emergency Management Office regarding the above event for possible Disaster reimbursement..."

Supervisor Scammell said he will pass this on to Leon Cook.

Councilman Bailey asked if we are seeking any reimbursement.

Leon Cook said we aren't that far yet. On Walburger Rd. they will have to do some work on the creek where it dammed up. Emergency Management went down there Friday to do an assessment of it. Emergency Management called this morning to get the population of the Town of LaFayette.

Councilman Knapp asked if we can clear the dam out without permission.

Leon Cook said once he gets permission from the DEC they can clear it out.

Supervisor Scammell asked how far away the dam is.

Leon Cook said it's up the creek about 150' or more. He said the water was going across Route 11 from Scammell Rd. the Monday of the storm. He had a guy in the office taking all the calls regarding problems from the storm. By the time he got up to Scammell Rd. from Palladino Rd., the water wasn't running across Route 11 any more. Tuesday he checked it out and saw where the water had washed out about 30' upstream and the guardrail was hanging in the air. He got in touch with the state DOT as it's a state road. They wanted to know if the Town could put some barricades up and the people could go out the other way on Scammell Rd. They are trying to get an emergency work order where they can go in there and do something. The equipment will have to be hired as they don't have any that have a long enough reach. They are hoping to have the plans finished by their engineer to replace the piping to solve this problem.

C. Onondaga Nation: Native Dance Festival, 9.18.04.

Supervisor Scammell noted this will be held at the Onondaga Nation Arena.

D. Onondaga County Department of Finance: Tax delinquent parcels auction.

"Enclosed is a list of delinquent tax parcels from your town scheduled for auction on October 26, 2004..."

Supervisor Scammell noted there are 10 of them.

Councilman Knapp asked if there was anything the Town was interested in.

Supervisor Scammell said he didn't see anything. The Town could go and bid on any parcels they might be interested in.

Councilman Knapp noted the old Booher Lumber property is listed.

Supervisor Scammell said it would allow for expansion of the fields at the park. He asked the Board to give some thought to this. He will do some research regarding the purchasing process.

Kevin Gilligan said the Board might want to know about any environmental issues. He would be concerned if the DEC has any concerns about the property.

Councilman McConnell believes it would be a nice addition to Stafford Park.

E. Onondaga County Legislature: 9.7.04 agenda.

“Providing continuous individual and family dental and health insurance benefits at County expense to those County officers and employees during their active military duty. Authorizing Onondaga County to pay the difference in pay between military pay and base county salary to County officers and employees while performing ordered military duty...”

Supervisor Scammell said this is a very nice thing to do.

F. NYS Assemblyman Jeff Brown: NYS budget “no” vote.

“Earlier this year, you wrote to me outlining your concerns related to the New York State budget. As you have undoubtedly heard, the State Assembly passed the budget on August 11, more than four months after it was due. I voted “no” on this budget, and I am writing to explain why. I support health care and education funding, and I support other important programs funded by this budget. But I believe that it's time someone stands up to the leadership in the Assembly and takes a stand – a stand against late budgets, a stand against three-men-in-a-room decision making, and a stand against the dysfunctional process we call ‘state government’ in New York. There is no school aid formula reform in this budget. There is no real Medicaid reform in this budget. There is no Empire Zone reform in this budget. There is no resolution of the DVE court decision in this budget. And most importantly, there is no budget reform in this budget...”

G. Onondaga County Planning Federation: Municipal membership dues, 2004-2005.

“...Annual dues remain at \$50.00 and are used to underwrite our annual municipal training program held in January of each year. Last year we had approximately 100 municipal officials attend and we provided training on a variety of topics, including comprehensive planning, community design, planning and zoning case law overview and updates and review of the referral process...”

Councilman McConnell asked who attends this.

Supervisor Scammell said anyone from the Planning Board, Zoning Board of Appeals, etc.

Councilwoman Smith said anyone from the Town Board can attend too.

Councilman Knapp said the new Planning Board Member and the Alternate Member should be advised of this.

H. Syracuse-Onondaga County Planning Agency: 2003 Residential building permit summary.

“The number of permits issued has remained relatively stable for several years, in the 1100 to 1200 range. The towns of Cicero and Clay continue to receive the most residential growth with 239 and 171 permits respectively. Camillus, DeWitt, Lysander, Manlius, and Onondaga fall in the next range with 74 to 100 permits. Several rural towns show significant number of permits – 48 multifamily units and 67 total units in LaFayette, 40 single family permits in Pompey and 27 single family permits in Skaneateles. The City of Syracuse continues to suffer a net loss of dwelling units with 58 building permits, including 47 multifamily units, and demolitions of 299 units...”

Supervisor Scammell noted we led the charge in the smaller municipalities.

I. Syracuse Metropolitan Transportation Council: Bicycle & pedestrian trails.

Supervisor Scammell asked if anyone was interested in the pedestrian or bicycle trail.

Councilman Knapp said Optimist Club has talked about this for down-the-road. He will give them a copy of this.

J. Jamesville Fire Department: 2005 Fire Protection contract renegotiation.

“At this time the Jamesville Fire District would like to give this letter of notification as the intent to negotiate and renew the year of 2005 LaFayette Fire Protection Contract.”

K. Syracuse Post-Standard: July unemployment.

“The Syracuse area gained 1,400 jobs in July compared with the same month last year, but persistent losses in factory jobs kept the unemployment rate up...2,100 more private-sector jobs...700 fewer government jobs...The overall increase occurred despite the loss of 3,100 manufacturing jobs. Manufacturing was the only private-sector industry to lose jobs as factory employment hit a new low: 34,000...The national jobless rate was 5.7 percent...”

Supervisor Scammell noted this is the first time in a long time we have been up there.

L. Other.

Sue Snavlin said regarding the dog matter discussed earlier, the landlord advised her that every tenant they've had has been driven out by Randy Taylor and Megan Thousand. Sue said she has been called after midnight and goes there. They advised law enforcement was called and she finds out they never were.

Councilmen Knapp moved and Bailey seconded the motion for the Town Board to go into Executive Session to discuss a matter of potential litigation and

to include the Highway Superintendent and Town Attorney. Motion passed unanimously.

The Town Board went into Executive Session at 8:03 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 8:51 p.m.

6. **SPECIAL REPORT.**

7. **REPORTS.**

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

- 1) **Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.**
 - **Junk vehicle status (attached spreadsheet).**
 - a) **Prioritized spreadsheet listing.**
 - b) **Route 91.**
 - c) **LaFayette Road, 1/2mile North of Route 20. Abandoned autos on east side.**
 - **Other violations.**
 - d) **Apulia Road: Other trailer. Need property owner's information.**
- 2) **Dog Control: Jon Rogers, Sue Snavlin & Madeline Despres.**
- 3) **Highway Superintendent: Leon Cook.**
 - **SPDES/MS4 Stormwater Phase II (see J. Dunkle list). Time & expense log.**
 - **Drumm Road turnaround.**
- 4) **Justice: Malcolm Knapp & Maureen Perrin.**
- 5) **Library Director: Scott Kushner.**
- 6) **Recreation Director: Regina Reinschmidt.**
- 7) **Town Clerk: Mary Jo Kelly.**
- 8) **Town Supervisor: Greg Scammell.**
 - **Intermunicipal Cooperation & Consolidation.**
 - **2005 Budget (new) items for review (JFD capital plan, Bailey Park pavilion, Town Signs (Signage Systems quote)).**

B. **Committee (2nd Monday).**

1) **Communications & Technology**

a) Town Website alternatives (Keep home grown, Digital Towpath, other) and location alternatives (town server, PAETEC, other). Need costs.

Supervisor Scammell said Michael Forte has recommended purchasing a web server to be located at the Town Offices. It could be administered locally or from another site.

Councilman Knapp asked if we could use one of the computers that we get rid of.

Supervisor Scammell said he has talked to Marshall Taylor about this and it's a possibility. Mike Forte is not going to want to do this forever.

Councilman Knapp asked if we decide to do something different, would we still host it locally?

Supervisor Scammell said Marshall Taylor would know this.

b) Email alternatives (Mike Forte – Kerio Mailserver 5.7.7 testing, AOL, PAETEC, other). Need costs & trial period/evaluations.

c) TOL web status (via email).

2) Emergency Response.

a) AEDs (Defibrillators).

Councilman Bailey had nothing new to report.

b) LFD house numbers mailing.

Supervisor Scammell said we have the mailings at the Town Office. This mailing would be for the entire Town.

The Board returned on the agenda to discuss the Gazotis property going up for back taxes.

Councilman McConnell said there might be environmental issues but it's worth the question before it goes to auction. Is there a way to investigate it quick enough and work out a negotiable price?

Supervisor Scammell will research this matter prior to the auction.

The Board returned on the agenda to the mailing.

Supervisor Scammell noted the Fire Dept. will install the numbers.

Councilman Knapp doesn't have a problem with paying for this or splitting the cost but wishes the Jamesville Fire District had been notified.

Supervisor Scammell will contact them to let them know this will be occurring.

Councilman McConnell said we have a pending contract with the Jamesville Fire District. He asked if we are obligating ourselves to assist them if they choose to do this.

Councilman Knapp said they won't because it's already being done by the LaFayette Fire Dept.

Councilman McConnell believes Jamesville Fire. Dist. should be called about this.

Councilmen Knapp moved and Bailey seconded the motion to expend \$509.63 to cover the cost of the mailing. Motion passed unanimously.

c) Fire Service Award amendment.

"As you recall, the adoption of the change on a local level would likely require a mandatory referendum. As of this date, the bill has not yet been signed into law by the Governor. As stated in my memorandum dated July 21, 2004, Assemblyman Jeff Brown's office indicated that the Assembly staggered the laws it sent to the Governor for signature, and that there is no set time for this law to be sent. His office further indicated that they have until the end of the year to get the bill in front of the Governor. Since the Bill has not yet been signed into law, and in light of the timing

requirements for conducting a mandatory referendum, it does not appear that a special election for this referendum may be conducted at the same time as the general election in November...”

Councilman Knapp asked Kevin Gilligan if he would get notification if this goes through.

Kevin Gilligan said no. It would have to be checked on every few months. Penflex might find something out.

This will be removed from the agenda until further notice.

4) Employee Policies & Benefits.

5) Environmental & Conservation Advisory Board.

- **Forest Tent Caterpillar & Gypsy Moth – Informational meeting to be scheduled, Feb., 2005.**

Councilman Knapp asked Councilwoman Smith if they impacted the Ropes Course at all.

Councilwoman Smith said no.

6) Highway.

7) Physical Plant.

- **LaFayette Commons/Library: Leaking over library circulation desk. General contractor researching cause of leak. Clay Smith report. Resheet rock when complete.**

Supervisor Scammell said he is still waiting to hear back from Clay Smith on this. The leak seems to have traveled.

- **LaFayette Commons/Library: Heat tape to be installed in valley over library entrance.**
- **LaFayette Community Center: Insulate or heat tape over the kitchen area to prevent ice buildup.**

8) Recreation & Youth.

a) Bailey Park.

- **Charcoal grills. Sources and prices.**

Councilman Knapp asked if this should be discussed at budget time as they won't be in time for this year anyway.

It was decided to discuss these items at budget time.

- **Pavilion (deferred until budget time).**

b) LaFayette Beach.

- **Plumbing.**
- **Survey/transfer LaFayette Beach from LCC to town.**
- **Options for limiting vandalism (lighting, etc.).**
- **Options for noise control from lacrosse box – reinforced panels.**

c) Stafford Park.

- **Tennis court renovation.**

Kevin Gilligan said the contract is signed and he was able to expedite the Okie Court Systems, Inc. contract. He asked who the contractor should report to.

Councilman Knapp asked if it must be someone on the Town Board.

Councilman McConnell said he wouldn't mind taking on the responsibility. He has worked with John MacDaniel on this.

Councilmen McConnell moved and Knapp seconded the motion to authorize the supervisor to sign the contract with Okie Court System, Inc. Motion passed unanimously.

- **Lacrosse facility – estimates, (re)location possibilities.**

Councilman McConnell said Jerry Marzo is still working on this. He should have facts on this for the next meeting.

8) Safety.

Councilwoman Smith said they have a Safety Meeting tomorrow night.

9) Senior Transportation & Housing.

- **Grant from Assemblyman Jeff Brown. Application in process.**

10) Service Awards.

- **PERMA Volunteer Firefighter questionnaire. Follow-up.**

Councilman Knapp said it was a form asking questions about the insurance.

Councilman McConnell said Jack Sutton came and got the form and is taking care of it.

11) SOTS & OCRRA Liaison.**12) Water.**

- **U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan complete, seeking nonfederal (NYSDEC) sponsor for \$6M.**
- **Village of East Syracuse Water District.**

13) Zoning Review.

a) Simple/small subdivision Guidelines – Under Review.

- **PB/ZBA/CEO/CCF input.**
- **TB review.**
- **Fee schedule.**
- **NYS Comptroller’s opinion (what constitutes a subdivision?).**

b) Ad hoc committee for Review of Planning and Development processes (form letter complete).

c) Corridor Plan.

d) Digitized zoning map.

8. LITIGATION & OTHER LEGAL MATTERS:

A. People v. Claire Watson.

- **DeWitt Court, 9.21.04.**

Supervisor Scammell said he has received a letter from Ag. & Markets. He and Steve Beggs have done a preliminary review of it.

Councilman Knapp asked what it said.

Supervisor Scammell said it basically says there are things Ag. & Markets upheld and other areas that are questionable.

Councilman Knapp asked if they are asking for our response back.

Supervisor Scammell said yes. In general, he believes it says that Ag. & Markets determined this is a farm and anything grown there would be O.K. and anything not grown would not be. He and Steve Beggs spent most of Friday morning talking about this. He is hopeful we will be able to put the entire thing behind us.

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

Supervisor Scammell said he and Councilman Knapp met with Dave Muraco, Kevin Lynch and Assemblyman Brown. He feels it was a productive meeting.

The instructions that were given to Mr. Muraco had to be followed explicitly and he is not sure that they were which means it may be stalled out.

C. PILOT agreement w. Festival Gardens. Complete.

Kevin Gilligan submitted the proposed amendment that he will be sending Carlyle Smith.

Councilman McConnell noted the key phrase in # 5... "...should either of the annual payments be late, then at the sole option of the Town and in addition to any other potential remedies available to the Town, the percentage of gross rentals provided for in schedule "A", as amended herein, shall revert to 15% for the balance of this extended term without further notice to the owner."

Supervisor Scammell believes the owner would prefer this rather than having it automatically revert back.

Kevin Gilligan would recommend authorizing the supervisor to sign this tonight and he will send it over to Carlyle Smith for his review.

Councilmen Knapp moved and McConnell seconded the motion to authorize the Supervisor to sign the Amendment to Payment in Lieu of Taxes between the Town of LaFayette and LaFayette Housing Associates. Motion passed unanimously.

D. Private property tax exemptions (Section 459). Other local municipal laws.

Councilman Knapp asked Marshall Taylor if he had any idea how many people might qualify for this.

Marshall Taylor said no. When he researched this it appeared there were only 3 of them in the county.

**TOWN BOARD RESOLUTION
TOWN OF LAFAYETTE**

Local Law 3-2004

Councilman Knapp introduced proposed Local Law No. 3-2004 regarding real property tax exemptions for physically disabled persons and made the following Resolution, which was seconded by Councilman McConnell:

WHEREAS, New York State Real Property Tax Law allows local municipalities to adopt and permit certain real property tax exemptions for improvements to property that facilitate and accommodate its use by persons with a physical disability, and the Town Board of the Town of LaFayette desires to enact a local law in this regard.

NOW, THEREFORE, it is

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law 3-2004 at the LaFayette Town Hall, 2577 Route 11, LaFayette, New York on September 27, 2004 at 6:30 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.

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

Supervisor Scammell	Aye
Councilwoman Smith	Aye
Councilman Knapp	Aye
Councilman Bailey	Aye
Councilman McConnell	Aye

Motion passed unanimously.

**TOWN OF LAFAYETTE
PROPOSED LOCAL LAW NO. 3-2004**

**A Local Law Providing for a Real Property Tax Exemption
in Accordance with New York State Real Property Tax Law § 459**

Be it enacted by the Town Board of the Town of LaFayette, as follows:

Section 1. Purpose and Intent

New York State Real Property Tax Law § 459 allows local municipalities to establish a category of tax exemption for improvements to residential real property that facilitate and accommodate the use and accessibility of the real property for persons who are physically disabled. The State Law sets forth specific parameters for persons to qualify for such an exemption, as well as directions to municipalities as to the application of the Law. The Town Board of the Town of LaFayette desires to enact a local law in accordance with the State Law permitting qualified residents to receive this tax exemption.

Section 2. Scope of the Exemption

An improvement to any real property used solely for residential purposes as a one, two or three family residence shall be exempt from taxation as provided for in New York State Real Property Tax Law § 459 to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by (a) a resident owner of the real property who is physically disabled, or (b) a member of the resident owner's household who is physically disabled, if such member resides in the real property.

Section 3. Prior Improvements

Improvements constructed prior to the effective date of this local law shall be eligible for the real property tax exemption made available herein.

Section 4. Qualification and Grant of Exemption

No exemption shall be granted pursuant to this law unless an application for the exemption is submitted and approved in accordance with all requirements of

New York State Real Property Tax Law § 459.**Section 5. Effective Date**

This local law shall take effect upon its filing with the New York Secretary of State.

Kevin Gilligan submitted the paperwork for Local Law 4-2004. He said this has to do with the new change we were made aware of that will take away some of the fine money from the town. This resolution is to schedule a public hearing for the local law to set the surcharge.

Councilman Knapp said Mrs. Palmer did some numbers today on this. We are talking about approximately 550 total cases a year. This would roughly be 550 x \$10 which would be \$5,500. It looks like the first 5 months this year it came to \$15,000 which would come to \$3,000 a month or \$36,000 a year. We will be giving up \$36,000 and making about \$5,500. There's all kinds of efforts to repeal this thing. The legislature won't meet again until November which is when we have to have our budget set. There seems to be a lot of support to repeal this.

Councilman McConnell asked what gives the town the right to charge a surcharge.

Kevin Gilligan said the statute that took the money away from us.

Councilman Knapp said this local law would be for one year. He asked if the surcharge is totally hooked to this bill so if they repeal this portion of the NYS budget, would there be a problem.

Kevin Gilligan said the Board might have to repeal this if the state repeals their decision. Anywhere there is a mandatory state surcharge the court can add the \$10 under this local law.

Councilman Bailey said we will reap the benefit of the weigh-in station on Route 81.

Councilman Knapp said it might be a little more revenue to the town.

Marshall Taylor asked if the town gets some of the credit card money.

Councilman Knapp said all we get from a credit card payment is that we have gotten a lot of back tickets off the dockets. We don't get anything until the state collects their money.

Supervisor Scammell asked Kevin Gilligan if he had any idea how this will work out.

Kevin Gilligan wasn't sure how genuine the intent of the representatives in Albany are to change this.

Councilman Knapp said this is hitting the bigger towns with their own police force. It's not just LaFayette.

Supervisor Scammell asked if Kevin Gilligan had other clients impacted by this.

Kevin Gilligan said Geddes and Solvay are being impacted as well as Onondaga a little.

Supervisor Scammell asked if they are in a similar spot.

Kevin Gilligan said they are concerned about it because of 690. They are concerned about the dollars. The village is concerned as they are in the middle of their budget cycle. Whatever the state takes away will be a short-fall for them.

**TOWN BOARD RESOLUTION
TOWN OF LAFAYETTE**

Local Law 4-2004

Councilman Knapp introduced proposed Local Law No. 4-2004 regarding imposing a surcharge pursuant to Vehicle and Traffic Law Section 1809-D and made the following Resolution, which was seconded by Councilwoman Smith:

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws 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 there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law 4-2004 at the LaFayette Town Hall, 2577 Route 11, LaFayette, New York on September 27, 2004, at 6:30 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.

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

Supervisor Scammell	Aye
Councilwoman Smith	Aye
Councilman Knapp	Aye
Councilman Bailey	Aye
Councilman McConnell	Aye

Motion passed unanimously.

**TOWN OF LAFAYETTE
PROPOSED LOCAL LAW NO. 4-2004**

**A Local Law Imposing a Surcharge Pursuant to
Vehicle and Traffic Law Section 1809-D**

Be it enacted by the town Board of the Town of LaFayette, as follows:

Section 1. Purpose and Intent

The purpose of this local law is to impose a local surcharge on convictions rendered in the Town Justice Court pursuant to the enabling authority of section 1809-D of the Vehicle and Traffic Law, as added by Chapter 56 of the Laws of 2004.

Section 2. Local Surcharge for Traffic Violations

For convictions rendered in the Town of LaFayette Justice Court for violations committed between the effective date of this local law and September 1, 2005, which convictions are subject to a mandatory surcharge imposed pursuant to 1809 of the Vehicle and Traffic Law, there shall be an additional surcharge of ten dollars (\$10.00) per violation.

Section 3. Payment to Clerk of Court: Disposition of Surcharge

The surcharge authorized by subdivision one of this section shall be paid to the clerk of the court that rendered the conviction. Within the first ten days of the month next succeeding the collection of such surcharge, the court shall pay the surcharge upon application to the chief fiscal officer of the town which imposed such surcharge. Such chief fiscal officer shall require such proof as is necessary in order to determine whether a refund is required by law.

Section 4. Refunds

Any person who has paid a surcharge authorized by this section which is ultimately determined not to be required by this section shall be entitled to a refund of such surcharge upon application to the chief fiscal officer of the town which imposed such surcharge. Such chief fiscal officer shall require such proof as is necessary in order to determine whether a refund is required by law.

Section 5. Effective Date.

This local law shall take effect upon its filing with the New York Secretary of State.

9. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. Time-Warner Cable TV franchise renewal.

- **Franchise expansions – 3 miles in the last 12-18 months.**

B. Speed limit reduction requests.

- **Route 91 appeal (awaiting NYSP study requested by Sen. John De Francisco).**

C. Cram Communications, WVOA-AM towers.

- **Engineering study performed by Cram to be reviewed by independent consultant, pertaining to impact on Groth Road Communications Tower.**
- **5.6.04 letter: AM Tower Project.**
- **Detuning costs responsibility.**

Councilman Knapp asked if they have been back before the Planning Board. Kevin Gilligan said the last he heard is they are looking for someone to review the detuning information.

D. Zone change request for Route 20 & Tully Valley Extension (referred to PB).

This was left that the owner must make the application or authorize Mrs. Mueller to act on his behalf.

E. ZBA request for mobile home inventory, including status.

Supervisor Scammell will work on updating the old list we have. There are some mobile homes that have been built around and appear to be houses now.

Councilman Knapp said his only concern with the whole thing is how deeply we go through with this.

Supervisor Scammell said he is only planning on updating the list. It may end up being a project too difficult to complete. The way the old lists were written, there isn't even addresses for some of the mobile homes. He is assuming there are some that are gone from the old list.

F. Other.

10. NEW BUSINESS.

A. Councilor McConnell: Strategic Plan survey proposal.

Councilman McConnell asked if the Board had any questions or comments on the material he submitted to them at the last meeting.

There were none.

B. Public Assembly Permit for Apple Festival.

Councilman Knapp said there are no changes except for the date and the updated insurance certificate. He said Rural Metro, the State Police, the local fire department and the Onondaga County Sheriff's Dept. have all been notified.

Supervisor Scammell asked if there are any new events this year.

Councilman Knapp said there are a couple of things. A gentleman will be there to do a presentation on the Mars Rover. There will be trolley wagons pulled

around by tractors. They will mainly go from the parking lot to the main grounds. There has been a new waterline put in to the grounds. This will supply the food court and all the buildings. This should be a big improvement for the food vendors. They laid the waterline all the way to the Pop Warner concession building.

Supervisor Scammell asked what the water quality is like.

Councilman Knapp said it's very good. It comes from a spring.

Leon Cook said it comes from a spring up behind Babcock's old restaurant. There were several springs but now there is just the one. It's a pretty good producer.

Supervisor Scammell said there are several springs along the hillside.

Leon Cook said he has to put blacktop down at the Highway Dept. before it gets too much colder.

Councilman Knapp asked if this would be the whole parking lot.

Leon Cook said yes. He thinks he has to do the salt shed too. He checked with Tom Chartrand and he said there's enough money in the budget to do it.

Councilman McConnell asked what the estimate to do this is.

Leon Cook said about \$4,200. That is the cost of materials. Blacktop is \$30.25 a ton. It was down to \$22 last year.

Councilman McConnell asked if they purchase the material, would the Highway Dept. put it down?

Leon Cook said yes.

Councilman McConnell asked when he needs the go ahead for this.

Leon Cook said he's hoping to do it in a couple of weeks when he gets most of the other work done. He is just letting the Board know what he is planning on doing.

Councilwoman Smith moved and Councilman Bailey seconded the motion to grant the Public Assembly Permit for the LaFayette Apple Festival and to waive the fee. Voting was as follows:

Supervisor Scammell	Aye
Councilwoman Smith	Aye
Councilman Knapp	Abstain
Councilman Bailey	Aye
Councilman McConnell	Aye

Motion carried.

C. Other.

Supervisor Scammell said they are looking to expand the building next to the LaFayette Commons Office Building. The question that was put to him was whether the town would be acceptable to a variance that would mean they would come closer to the property line expanding towards the town offices than the Zoning Ordinance allows. The property line is about in the middle of the driveway. They believe the expansion could encroach on the 25' set-back requirement.

Councilman Knapp said he would like to see a stake in the ground to just see

what they are talking about.

Councilwoman Smith had to leave at 10:10 p.m.

Supervisor Scammell said he received a request from Kim Amidon to attend an educational conference at Saratoga Springs. She isn't sure of the exact amount. She is requesting an advance of \$800.

Councilman Knapp said they usually put some training money in their budget.

Councilmen Knapp moved and Bailey seconded the motion to grant the advancement of \$800 for Kim Amidon to attend an educational conference in Saratoga Springs as long as it is in their budget. Motion passed unanimously.

Supervisor Scammell read a letter from Mr. Hayward of the Association of Towns.

Councilmen Knapp moved and McConnell seconded the following resolution:

RESOLUTION SUPPORTING RESTORATION OF TRAFFIC FINE REVENUE

WHEREAS, Vehicle and Traffic Law 1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law; and

WHEREAS, Chapter 56 of the Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury; and

WHEREAS, this change in the fine and penalties distribution formula will result in a loss of local taxpayers of more than \$20 million in fine monies – monies which have historically been used to fund justice court operations; and

WHEREAS, the Town of LaFayette will likely lose \$40,000 in anticipated fine revenues; and

WHEREAS, this State Budget provision with its immediate effective date will result in significant 2004 deficits and will negatively impact town property tax rates for 2005;

NOW, THEREFORE BE IT

RESOLVED, that the Town of LaFayette calls for the restoration of the original fine distribution formula in order to provide towns with necessary revenues to fund justice court operation;

AND BE IT FURTHER

RESOLVED, that the Town of LaFayette urges the passage of legislation introduced by Senator Bonacie (S.7757) and Assemblyman Cahill which amends the Vehicle and Traffic Law to restore this source of revenue to local governments;

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be sent to the Governor George E. Pataki; Joseph L. Bruno, majority Leader of the Senate; Sheldon Silver, Speaker of the Assembly; Senator Elizabeth Little, Chair of the Local Government Committee; Assemblyman Robert Sweeney, Chair of the Local Government Committee; Senator Owen Johnson, Chair of the Finance Committee; Assemblyman Herman D. Farrell, Jr., Chair of the Ways and Means Committee; Senator John A. DeFrancisco, Chair Of the Judiciary Committee; and Assemblywoman Helene E. Weinstein, Chair of the Judiciary Committee.

- 11. **There were no suggestions for improvement & positive contributions.**
- 12. **Councilmen Knapp moved and McConnell seconded the motion to audit and pay the following bills:**

GENERAL FUND	# 1824 to 1852
HIGHWAY FUND	# 1853 to 1864
SPECIAL DISTRICT	# 1865 to 1866

Motion passed unanimously.

- 13. **Executive session (as needed).**
Held earlier in the Meeting.
- 14. **Councilmen Knapp moved and McConnell seconded the motion to adjourn.**
Motion passed unanimously.

The Regular Town Board Meeting adjourned at 10:19 p.m.

Respectfully submitted,

Mary Jo Kelly

Town Clerk