

Minutes of the Town Board Meeting held by the LaFayette Town Board on February 28, 2005 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, Councilor
David Knapp, Councilor
Thomas Bailey, Councilor

Absent: William McConnell, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Karen Godsoe, Town Attorney
Tom Chartrand, Bookkeeper
Leon Cook, Highway Superintendent
Sue Snavlin, DCO
Marshall Taylor, Assessor/Clerk
Regina Reinschmidt, Rec. Coord.
Anne Smith, Historian
Ralph Lamson, CEO
Jim Nakas, Planning Board Chair.

1. Supervisor Scammell called the meeting to order at 6:35 p.m.
2. The Town Clerk took the roll. Councilor McConnell absent. All else present.
3. Pledge to our U. S. Flag led by Town Councilor David Knapp.
4. **Motion to accept prior meeting minutes.**
 - A. **February 14, public hearing.**
 - B. **February 14, regular meeting.**It was decided to waive approval of the above minutes until the next meeting.
5. **COMMUNICATIONS:**
 - A. **Residents. (Please sign in and give your name before you speak).**
 - B. **Federal Communications Commission (FCC): WNYI(TV) petition.**

Councilor Knapp said Time Warner is not allowing one T.V. station on their cable so the T.V. station is suing Time Warner to be put on the cable. It doesn't really have anything to do with us.
 - C. **NYS Assemblyman Jeff Brown: OCWA water district construction – bill A.6869(2004).**

“Thank you for your recent correspondence to my office concerning contracts with Onondaga County Water Authority for the construction of town water districts. I share your concern about this issue.

The bill you cite, A6869-B (2004), would address your situation. As you are aware, the bill was approved by the Senate, but unfortunately the Assembly Majority chose not to consider it, and the bill died in the Assembly Corporations Committee...”

Tom Chartrand said the cost would be pushed up quite a bit. They are saying OCWA can’t just use their repairmen, they would have to go out and bid the work.

Supervisor Scammell said this will cost us more money.

Tom Chartrand said there was an older ruling on it by the previous comptroller stating it violated the bidding laws.

D. LaFayette Central School District: Megan’s Law/Registered Sex Offender notification.

Supervisor Scammell said this is a letter from the LaFayette Central School District advising there is a Level 3 Sex Offender residing in the Town of LaFayette. Wendell Provencher resides at 4181 Barker Hill Rd.

Councilman Knapp asked if the Town of LaFayette is under any obligation with this. He said there is a bunch of resident’s in that area that are concerned.

Karen Godsoe said the town can’t take any action towards him.

E. Hugs Not Drugs: Request for candy machine in lobby.

“The vision of our work is to alter the conversation from resignation, hopelessness, and demand for alcohol and other drugs, to a conversation which ends the demand for drugs. We accomplish this through early education for our young children, ages six to thirteen...The HUGS NOT DRUGS Project is not just about providing ‘information about drugs’. Rather, it is offered for family participation to produce extraordinary conversations that have a lifetime effect on well-being.

This national project includes local distribution of the Family Workbook for alcohol and other drug abuse prevention and local Parent/Child Workshops are tools for family action...

Donations to Hugs Not Drugs provide Family Workbooks to schools, religious organizations, YW/YMCA’s local law enforcement associations, state and city governments...”

Supervisor Scammell said they have requested to put a candy machine in the lobby.

Councilor Knapp asked if anyone had heard of them before.

No one had.

Councilor Bailey asked if we are setting a precedent by doing this.

Supervisor Scammell said we allow items to be sold at the counter.

Councilor Knapp said as long as it was one of the little unobtrusive ones. If it is a big vending machine, he might be concerned. He would like to know the contents, the cost, electricity used, etc.

Councilor Bailey would like to know how often it’s serviced.

Supervisor Scammell will contact them and find out the answers to these questions.

F. Upstate Temperature Control: Heat pump options.

Supervisor Scammell said we have 3 alternatives.

- 1) Replace heat pump for the sum of \$2,900.
- 2) Replace to straight cooling condensing unit for the sum of \$2,040.
- 3) Repair old unit for the sum of \$450.

He emailed Clay Smith and faxed him a copy of this letter. Clay Smith recommended repairing the old one for \$450.

Councilor's Knapp moved and Smith seconded the motion to have Upstate Temperature Control, Inc. repair the old heat pump for an amount of \$450. Motion passed unanimously.

G. Onondaga County DOT: First snow payment.

“Enclosed you will find the Onondaga County claim for the first of two payments for the 2004-2005 season of plowing County Roads at \$4,600.00 per mile...”

Councilor Knapp asked if this is half of it.

Supervisor Scammell said yes.

Leon Cook said this is more than what we were planning on. We got 7/10 of a mile added to the total.

H. U.S. Senator Charles Schumer: Drug-Free Communities Support Program.

“Knowing of your commitment to strengthening our communities, I am writing to let you know that the Executive Office of the President, Office of National Drug Control Policy (ONDCP) and the Substance Abuse and Mental Health Services Administration (SAMHSA) are currently accepting applications for funding under the Drug-Free Communities Support Program...”

I. U.S. Bankruptcy Court: IWO bankruptcy.

J. Syracuse Post-Standard, 2.20.05, HAVA:”Albany Dithering Away \$220M”

“Indecision in Albany may cost cities, towns and villages across the state about \$220 million in federal money earmarked to replace out-of-date voting machines. Under the Help America Vote Act, new electronic machines must be in place by the November 2006 elections. But election officials said they need at least 18 months to replace all the voting machines in the state. New York is the only state in the country that hasn't approved the legislation necessary to get started...Leaders of the Democrat-controlled Assembly and the Republican-controlled Senate are blaming each other for the delay. ‘Even if they passed the bills today, we wouldn't meet the deadline’ said the director of public information for the state Board of Elections. If the state loses out on the federal money, the cost of replacing punchcard and lever voting machines will fall to cities, towns and villages...New York has received about \$190 million so far – with more promised – but the money sits untouched in an account controlled by the state comptroller's office...Members of the Assembly and state Senate can't agree on what type of machines to buy or who will take ownership of them....There are concerns about

having verifiable paper trails and nontamperable machines, where they will be stored, who will maintain them...Once state legislators decide which type of machines to use, the vendors will have to produce about 20,000 of them for New York – a process that can take up to a year, even with crews working three shifts a day...”

Councilor Knapp asked if they discussed this in New York at all.

Councilor Bailey said not really. The State Election Board is waiting to see what the legislature is going to do. For it to be online for 2006 seems impossible.

Supervisor Scammell said he can't see us paying for them.

K. Niagara Mohawk/National Grid: Street Lighting Outage credit.

Supervisor Scammell said the credit amounted to \$50.14.

L. NYS Emergency Management Office: Severe Storms & Flooding, Aug-Sep/'04.

“The State Emergency Management Office has processed a payment in the amount of \$1,176.50 for the Severe Storms and Flooding of August/September 2004. The Federal Share is \$975.00 and the State Share is \$162.50 plus the Administrative Share of \$39.00 for the total amount of \$1,176.50..”

The Board thanked Leon Cook for filing for this.

Leon Cook said this brings the total to \$19, 069.00.

M. U.S. Senator Charles Schumer: NEA grants.

N. NYS Office of Real Property Services: Residential Assessment Ratio.

Supervisor Scammell noted they took 36 sales between 7/1/2003 and 6/30/2004 and came up with the Residential Assessment Ratio of 84.33.

Councilor Knapp asked if this is our equalization rate.

Marshall Taylor said this is just the residents portion. This shows that a house will sell for 16% more than what it's assessed for in LaFayette. He thinks we will end up with about 93 for an equalization rate because some of our commercial properties are set higher than what the state determines their value is which he thinks will offset this.

O. J. Dunkle/Dunn & Sgromo Engineers: Taylor/Smith property at 3255 Apulia Road.

“As requested, we have visited the above-referenced property on February 4, 2005 with Leon Cook, and reviewed the flooding issues with the owner, Ms. Taylor. The Taylor/Smith residence is approximately 60 feet from Butternut Creek, and 3 to 5 feet above the creek bottom, which is within the 100-year floodplain, below the floodplain elevation, and even in the 100-year floodway.

Ms. Taylor noted that her house and property next to the creek becomes flooded when ice or debris restricts the creek, and during intense rainfalls such as last summer's major rain events. We observed evidence of flooding, and of some previous berming and channeling efforts, which were relatively ineffective.

There is a significant bend in Butternut Creek on the Taylor property which restricts flow and collects debris and ice. During periods of high flow, the creek backs up and begins flowing on a straighter path, which is where Ms. Taylor's house

is located. If left alone, it is likely the creek will eventually cut a new channel to bypass the bend. This is a natural occurrence in the dynamic life of a stream or river. The flooding experiences on the Taylor property are to be expected given it's location relative to Butternut Creek.

In order to alter the exiting floodplain and the natural evolution of the creek to protect the Taylor residence, we suggest the following two measures:

- 1) Excavate the stream channel at the bend to improve capacity, and eliminate the restriction that traps debris and ice.
- 2) Construct a berm along the east bank to contain the creek flow in the original channel until it passes the house.

This work would require permits from the NYSDEC, USACE, and FEMA, and its cost could approach the value of the property. In some instances where federal or state funding are used to remediate flooding, purchase of the property is deemed the most appropriate measure.

In any event, in our opinion, the Town of LaFayette has no legal obligation in this matter, as there are no town facilities involved, and no action has been undertaken by the Town that has created or altered the flooding. (Leon Cook did note, however, that Town equipment and personnel were previously used to remove flood debris on the property as the Town's in-kind contribution for an emergency flood clean-up grant.)

As noted in previous e-mail, the best alternative for Ms. Taylor may be to work with FEMA through the Congressman's office to pursue state or federal funding....

The Town may choose to facilitate and/or provide in-kind assistance, but should be cautious about assuming any future liability..."

Supervisor Scammell said an application has been submitted to SEMA for a grant for this. He believes they will look at the value of the property and the cost to repair the problem in making their decision.

P. Other

6. **SPECIAL REPORT:** None.

7. **REPORTS:**

A. Departmental (4th Monday).

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

Ralph Lamson said they only did 2 building permits. Both permits were for additions.

a) Junk vehicle status – prioritized (multiple vehicles & long standing (apparent) violations) spreadsheet listing (in process).

1. **2774 LaFayette Road, 1/2mile North of Route 20. Abandoned red auto on east side. Notice sent.**
2. **2300 – 2330 Route 11 South, across from LaFayette Rural Cemetery, multiple autos & properties.**

b) House attachments & additions.

Supervisor Scammell said Kevin Gilligan is working on the language for it.

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

a) 2005 NYS Ag & Markets – injured dogs.

b) Injured dog/Hearts Astray, donations & expenses.

Supervisor Scammell said there is an item in the voucher packet to clean this account out.

Tom Chartrand said they will be getting a little over \$4,000 for Hearts Astray.

3) Highway Superintendent: Leon Cook.

• 2005-2010 Snowplow Agreement.

Leon Cook said in February they plowed 15 days. It was 23 trips around. They used 1,449 ton of mixed sand and salt. It's kept them busy. They had a repair problem at the Highway Garage. The old building had a flat roof on it and sloped towards the back. It sloped towards the new addition. Water built up on the eaves and froze and backed up. They had water running all over the bench and coming through all over. They got rock salt and put it up there and it didn't do it. They ended up getting calcium which cleared it up. This has only happened once before since he's been Highway Superintendent. They got that problem straightened out.

For breakdowns, they replaced the air compressor on the loader. The loader is a 1991 and we should be thinking about replacing it. We have to be thinking about the 1990 10-wheeler too. He will be getting prices on both of these. As soon as we get good weather he wants to clean the loader up and paint it so we get a good trade-in on it.

Truck 5, that is the new all-wheel drive. It's a 1999. This winter they had a wheel, a rim, a front spring, studs and nuts for the wheel which have cost \$2,443. This doesn't include the two days it was over at Stadium. It was skipping. The fault reader on the truck wasn't working. He thinks it was over revved. It will probably be a couple thousand dollars for the work Stadium did on it.

Councilor Knapp asked what kind of engine it has in it.

Leon Cook said a Cummings. It's almost a 400 horse.

Councilor Knapp asked how the salt and sand is holding up.

Leon Cook said they have 1,500 ton left. If the weather keeps up like they are saying, we should have just enough. We could run a little short.

Leon Cook said a week ago last Friday they opened up Rte. 11 South by Scammell Rd. They will have to come back and repair the gas main they took out.

Councilor Bailey asked if the town has any obligation for Scammell Rd.

Leon Cook said a few years ago we made it clear that the responsibility for the pipe crossing Scammell Rd. was the State D.O.T.'s responsibility.

4) Justice: Malcolm Knapp & Maureen Perrin.

• Copier.

Supervisor Scammell said it's on the way here. The new one is almost identical to the one in the Town Offices. The representative said he would talk to their service

people and see if they would come out and completely clean the one in the Town Offices. If they come out enough times, they are even authorized to replace it.

Councilor Knapp asked what the cost of the Justice Department's copier will be. Supervisor Scammell believes around \$6,000.

Councilor Knapp asked what the cost of the copier in the Town Offices was. Tom Chartrand said just over \$10,000.

- **January 2005 Report.**

A written report was submitted.

Supervisor Scammell noted 310 cases were heard and \$25,431 turned over to the Town of LaFayette.

5) Library Director: Scott Kushner.

- **Library Board Minutes 1/10/05.**

- **Director's Report 1/10/05.**

A written report was submitted.

Supervisor Scammell noted the holiday closings and the Board of Trustees for 2005. He said the Dinosaur Barbeque is a great way to support the Library and enjoy some Dinosaur Barbeque. They will be approaching the Town Board regarding Scott's salary.

Councilor Knapp asked if the 3% raise was for the staff.

Tom Chartrand said yes. The Town Board set the town rate at 2%. When they sent him the salaries for the library staff, they continued them at 3%.

Supervisor Scammell said he recently spoke to Councilor McConnell regarding FOCUS and viewing the library as an asset. He believes the library has always been considered one.

6) Recreation Director: Regina Reinschmidt.

Regina Reinschmidt said 5th & 6th grade basketball ended Saturday. 3rd & 4th grade basketball will continue through March. They will be holding their annual Foul Shooting contest this Saturday. Wrestling will finish up this weekend. Skiing is going well. It appears they might be able to get all 8 of their trips in which doesn't usually happen. They are getting ready for baseball. Signups are this week as well as lacrosse signups.

7) Town Clerk: Mary Jo Kelly.

- **January Report.**

Written report submitted.

8) Town Supervisor: Greg Scammell.

- **January 2005 Report.**

A written report was submitted.

- **December 2004 Report.**

A written report was submitted.

Supervisor said we finished up under budget for the year.

- **Transfer of Appropriations.**

Copy of transfers submitted.

Tom Chartrand said the transfer sheet is for the transfers the Board already approved in December.

Tom Chartrand said he has the two Supervisor's Books for the Board to audit tonight.

- a) **Intermunicipal Cooperation & Consolidation – 2005 Onondaga Citizens League study.**
- b) **HAVA.**
- c) **Apulia Road property – flooding & ice buildup (J. Dunkle letter, SEMO grant application).**
- d) **Forest Tent Caterpillar aid request to Onondaga County & NYS.**

Supervisor Scammell said emails have been sent to Senator DeFrancisco, Assemblyman Brown, etc. regarding money to assist in this.

B. COMMITTEE (2nd Monday).

1) Communications & Technology (MF/PK/MJ/MT/GS).

- a) **Town Website & email - Digital Towpath evaluation.**
- b) **New server applications (MS Office, pictometry, town website).**

2) Emergency Response (TB/BM).

- a) **AEDs (Defibrillators) (TB).**
- b) **LFD exhaust vents – grants available?**
- c) **OCSD services/local law enforcement contract.**

Supervisor Scammell said he was authorized to sign this at the last meeting and was waiting for the hourly rate which is \$48/hour.

3) Employee Policies & Benefits (MJ/SS/MD).

4) Environmental & Conservation Advisory Board.

- **Forest Tent Caterpillar & Gypsy Moth infestation – Aid request letter complete.**

5) Highway (PP/LC/DK/SP/CP).

6) Physical Plant (HS/DK/BM).

- a) **LaFayette Community Center: Evaluate, propose & estimate solution to ice buildup over kitchen area.**

Supervisor Scammell said Fred Groth submitted an estimate of \$850 to fix this.

- b) **Light for illumination for Town Offices U.S. flag (awaiting installation).**

c) Town offices & Community Center – temperature controls (awaiting estimate).

Supervisor Scammell thinks one has already been installed at the Community Center.

Councilor Smith said when she and Tom Rezsnyak went in there Saturday morning to inspect the Center, the thermostat was set at 70 degrees.

Supervisor Scammell said there is 4 different time periods for each day that it will reset to 60 degrees the way Fred has it set up. The thermostat is locked in so you can't reprogram it.

Councilor Knapp asked if we should put a little note under it advising how to turn it up and then stating to leave it alone and it will go back down automatically.

Tom Chartrand said most of the electronic ones have the little buttons.

Councilor Bailey said it's usually incased in a housing and has directions inside it.

Supervisor Scammell said this one does not have that. The directions are on his desk. Once we get them installed in the Town Offices, he can put something out about them.

Councilor Knapp said he will be talking to Fred so he can ask him about it.

d) Ice buildup on SW inside corner – heat tape estimate.

Supervisor Scammell said Fred Groth submitted an estimate of \$650 to fix this. He noted the total for this and the Community Center would be \$1,500.

Councilor Knapp asked if this is something we need to address now.

Supervisor Scammell said if we don't address the one at the Town Office Building, we risk loosing the work that has already been done. We are getting near the end of winter.

Councilor Knapp said as we get towards fall we can see where we are at within the building budget or maybe we could do one of them now.

It was decided to continue with the repair to the Town Office Building for \$650.

Councilor's Knapp moved and Smith seconded the motion to have Fred Groth install heat tape at the Town Office Building for a cost not to exceed \$750.00. Motion passed unanimously.

e) Heat pump – pending failure.

Discussed earlier in the meeting.

7) Recreation & Youth (DK/SS/RR).

a) Bailey Park.

1. Charcoal grills. Order & install (Spring, '05).

Supervisor Scammell asked when these should be ordered.

Councilor Knapp said maybe at the next meeting.

Supervisor Scammell will bring out the brochures for the Town Board to decide which ones should be ordered.

2. Pavilion (YCIP, local estimates).

b) LaFayette Beach.

1. **Survey/transfer LaFayette Beach from LCC to town.**
 2. **Options for limiting vandalism (lighting, etc.).**
 3. **Options for noise control from lacrosse box – reinforced panels.**
- c) **Stafford Park.**
- **Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.**
- 8) **Safety (TR/SS/LC/RR).**
- 9) **School District liaisons (BM/PP).**
- a) **LCS cofunding of assessment revaluations (BM).**
 - b) **Tax exemption for disabled property owners (BM).**
- 10) **Senior Transportation & Housing (GS/BO).**
- **Grant from Assemblyman Jeff Brown. Application submitted, awaiting payment.**
- 11) **Service Awards (DK/BM/JS/GH).**
- a) **LFD feedback.**
 - b) **Amendment to Fire Service Award Program – November, 2005 ballot?**

Supervisor Scammell said they are requesting insurance for the medic.

Tom Chartrand said we would have to create a new position within the civil service roster.

Supervisor Scammell said one of his concerns is that if we pay for a medic, it would have to be a town employee. He doesn't know if they plan on the medic being over 30 hours a week or not.

Councilor Knapp said they advised it would be a full-time position.

Supervisor Scammell said this is a lot of money.

Tom Chartrand said you would be talking between \$11,000 and \$12,000 for the insurance.

Councilor Knapp believes the woman they have in mind has a child.

Tom Chartrand said we are probably already covering her under workmen's compensation. Their other medics are paid for within their budget. He doesn't think we can offer benefits for someone who isn't our employee.

Supervisor Scammell said they could purchase a policy for the individual. He asked what the going rate would be.

Tom Chartrand would say about \$14,000 depending on what they are looking for. Blue Cross runs about \$1,000/month.

Councilor Knapp said if they went out to get it themselves, they would probably get hammered because they are only looking at it for one person.

Tom Chartrand said if they were looking for it for the officers too, who would pay for it themselves, they might be able to get a group rate. We are already providing the workers compensation for this person.

SOTS & OCRRA Liaison (DK/BM).**12) Water (GS/SS).**

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

- b) **Village of East Syracuse Water District**
 - 1. **Meeting with Onondaga County.**
 - 2. **Meeting with Village of East Syracuse.**

Supervisor Scammell and Councilor Smith met with the Village of East Syracuse, Onondaga County Health Dept., Dale Sweetland, John Dunkle, the Village of E. Syracuse engineer, etc. to discuss what they are going to do about the customers they currently serve. There will be follow-up meetings so they can discuss this situation with the resident's it involves. They will be discussing several options. The one that seems most possible is allowing OCWA to supply the water through the existing pipes. To do this the Town of LaFayette would have to set up a water district. We would get reimbursed.

Tom Chartrand said right. The district will pay the town back for whatever money it advances them.

Supervisor Scammell thought a water district must be formed by a referendum. He has found out it can be by petition too.

Karen Godsoe said yes. It would require a certain amount of people signing the petition, state the amount it will cost, etc. It's just an option depending on how many people want it.

Tom Chartrand believes there's two parts to it. There has to be over 50% of the resident's signing it and the weighted value of the properties is considered.

Karen Godsoe said there are specific requirements. If you are talking about water, it will have its own specific requirements.

Supervisor Scammell asked if there are similar requirements for the petition that there would be for the referendum.

Karen Godsoe would doubt the petition requirements would be the same as they are for a referendum. The petition requirements are going to be set out specifically for water districts.

Tom Chartrand said Supervisor Scammell might want to talk to Mr. D'Amato about this. He can give some insight into it.

Marshall Taylor said this water district would require the resident's to pay some sort of tax which he will have to put on the records.

Supervisor Scammell said correct.

Marshall Taylor asked if in the planning, they would put some thought into how we will put this information on the files.

Tom Chartrand said usually when he develops these districts with the county, they have the legal descriptions.

Marshall Taylor said he doesn't want to get into the fractional mode. He would like to know we're talking in terms of something simple.

Tom Chartrand said the state comptroller requires a unit mode.

Supervisor Scammell said over time this will mean the resident's in the district will have to pay for upgrading of the pipes. The burden on the resident's will be a lot. Some have no alternatives. Some might be able to drill a well. Some might not have the appropriate distance to drill a well and have it the specified distance required from the septic tank. In some places the pipe is very close to the surface and they are concerned about the reduced flow. They can pressurize the old line so it will be a lower pressure. There may be a risk of freezing which can be remedied by adding more earth on top of the line.

Councilor Bailey asked the number of properties affected by this.

Supervisor Scammell said he has a customer list of a little over 100 on it. He thinks John Dunkle's list is about 160. He has also heard 200. So it's somewhere between 100 and 200.

Marshall Taylor asked if the Coye Rd. Water District would be combined with this.

Supervisor Scammell said they haven't discussed this yet.

Tom Chartrand said the Coye Rd. Water District has paid off their district.

Supervisor Scammell said there is a deadline from the Onondaga County Health Dept. of June 16th. He thinks they might get some relief if they show progress on this.

c) Hamlet drainage study – request submitted to NYS DOT.

13) Zoning Review (GS).

a) Simple/small subdivision Guidelines – Under Review.

1. Cul de sacs. Awaiting LFD/JFD Fire Department review.

Supervisor Scammell said as far as he knows Kevin Gilligan is working on the language for this.

Karen Godsoe said he had emailed some proposed language to the Board for them to get back to him. She's not sure if the email was circulated to everyone but he would be willing to work on a resolution with whatever language the Board is comfortable with.

Councilor Knapp said he stopped up and talked to the LaFayette Fire Dept. last week and they are comfortable with Leon Cook's recommendation. They are O.K. with the 300' diameter for a cul-de-sac and 130' for a hammerhead.

Jim Nakas asked if this means the Board is considering removing the 800' length so each case will be determined depending on its own merit?

Supervisor Scammell said the length issue he thinks Kevin Gilligan would have to address. Personally, he isn't interested in having any length restriction.

Karen Godsoe believes Kevin Gilligan's email was discussing the language without the 800' included.

Supervisor Scammell doesn't believe any of the Board is in favor of keeping the 800' restriction.

Councilor Bailey doesn't understand why this was in the regulations to begin with.

Supervisor Scammell said according to John Dunkle at one point this was standard language for cul-de-sacs.

Jim Nakas said if the school system, highway superintendent or fire dept. is not in favor of approving a cul-de-sac for some reason, the Planning Board could deny it.

Supervisor Scammell asked if they can do this on the basis of safety.

Jim Nakas said if the highway superintendent or fire chief were to recommend not having a cul-de-sac on a particular road because of the slope or whatever reason, the Planning Board would be willing to accept their recommendation. The applicant would know this ahead of time. There are towns in Onondaga County with cul-de-sac's in excess of 800' and he has been told there are ones in LaFayette in excess of 800'.

Supervisor Scammell said there will not be a requirement for length.

Jim Nakas asked when he thought the Board would vote on it.

Karen Godsoe said the only time there would have to be a public hearing is if it was a local law.

Mary Jo Kelly said she believes this was adopted by resolution.

Supervisor Scammell said one question is the ability to plow at the end of the cul-de-sac so the plowing function is not interrupted.

Councilor Knapp said that is why the Board discussed the 300' diameter.

Leon Cook said actually you don't need 300'.

Supervisor Scammell asked if 300' creates a problem for him.

Leon Cook said yes it does. It creates the problem of getting the snow off the cul-de-sac.

Supervisor Scammell asked him what would be ideal for him.

Leon Cook thinks 150' is big enough.

Councilor Knapp asked if he knew how big Weatherburn and Meadowlark are.

Leon Cook said no.

Councilor Knapp asked him to find out before the next meeting.

Leon Cook said when a developer wants a cul-de-sac, they want to put a big one in because the bigger it is the more driveways they can put off of it. Mailboxes on cul-de-sacs are another issue. He thinks all mailboxes on a cul-de-sac should be put in one place.

Councilor Bailey said clustered.

Supervisor Scammell asked Jim Nakas if this can be required.

Jim Nakas said the Planning Board can require it if the Town Board does.

Leon Cook said he will measure Watson Circle too. He thinks that might be a better design than the bigger ones.

Supervisor Scammell said the Board will look to wrap this up at the next meeting.

Jim Nakas asked if their resolution would take effect the next day.

The Board said yes.

Karen Godsoe asked Councilor Knapp to get her the numbers decided upon.

2. **PB/ZBA/CEO/CCF input.**
 3. **TB review (JL).**
 4. **Fee schedule.**
 5. **NYS Comptroller's opinion (what constitutes a subdivision?).**
- b) **Corridor Plan.**
 - c) **Digitized zoning map.**

8. **Litigation & Other Legal Matters.**
 - A. **People v. Claire Watson.**
 - a) **NYS Ag & Markets letter – response.**
 - b) **DeWitt Court, 03.10.05.**
 - B. **Selective Insurance/Estate of Janay Le-Ann Davis.**
 - C. **Time Warner Cable franchise - agreement review (KEG).**

**TOWN BOARD RESOLUTION
TOWN OF LAFAYETTE**

**Time Warner Cable
Franchise Renewal Agreement**

Councilor Knapp moved and Councilor Smith seconded the following resolution:

WHEREAS, the Town of LaFayette and Time Warner Entertainment-Advance/Newhouse Partnership had previously entered into a cable franchise agreement; and

WHEREAS, Time Warner Cable has made an application to the Town of LaFayette for the approval of an agreement (“Franchise Renewal Agreement”) to renew Time Warner Cable’s cable television franchise for an additional ten (10) years, and

WHEREAS, the Franchise Renewal Agreement will not become effective until submitted to and approved by the New York State Public Service Commission; and

WHEREAS, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

WHEREAS, the Town and Time Warner Cable have negotiated the proposed terms of the Franchise Renewal Agreement; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly enter into an agreement for the use of municipal right-of-way 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 adoption of the Franchise Renewal Agreement.

NOW, THEREFORE, it is

RESOLVED, that there are no other involved agencies, the Town Board shall act as lead agency, and that the approval of the proposed Franchise Renewal Agreement is a Type II action under SEQR, thus concluding the environmental review process; and it is further

RESOLVED, that the Town Board will conduct a public hearing as to the enactment of the proposed Franchise Renewal Agreement by and between the Town and Time Warner Cable at the LaFayette Town Hall located at 2577 Route 11, LaFayette, New York on March 24, 2005, 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 questions of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Gregory Scammell	Supervisor	Aye
Sandra Smith	Councilor	Aye
David Knapp	Councilor	Aye
Thomas Bailey	Councilor	Aye

The foregoing Resolution was thereupon declared adopted.

Supervisor Scammell said John Dunkle will be at the next meeting at 6:30 p.m. to discuss SPDES.

Councilor Knapp said in the next Newsletter he would recommend mentioning this and that we are one of the few local municipalities that do not charge a franchise fee and if your bill reflects one, contact Time Warner.

Supervisor Scammell said he has this all set to go.

9. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. Cram Communications, WVOA-AM towers.

- **Professional consultant sought from Clough Harbor for: impact (detuning) on Groth Road Communications Tower, site being evaluated for archeological sensitivity. 1.5.05 letter to Clough Harbour/Mona Carbonel.**

Councilor Knapp asked if we have paid the expert anything yet. Karen Godsoe didn't think so but will check on this.

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

C. FOCUS 2010 - Strategic Plan survey.

D. Assessors: 2006 Town-wide property revaluation.

1) Proposal for Real Property Update Project by Fitts Appraisal Company.

D. Assessors: Pictometry (by 4.01.05, HD vs LD).

Marshall Taylor said we have talked about setting aside \$10,000 for next year to probably buy a server and pictometry. The county is trying to find some funding to help us. He is still looking to see if the town will set this money aside for the server and possibly pictometry. The bid for the server has already exceeded a month. Before he goes forward he needs to know what the Board wants to do.

Supervisor Scammell said it would have to come out of the Contingency or Building Fund.

Tom Chartrand said you could appropriate what you use to offset taxes at the end of the year.

Marshall Taylor said neither of these issues need to be decided on tonight. If we don't do it this year, he would ask for some money to be set aside next year. The funds need to be set aside.

Councilor Knapp asked the cost of the server.

Marshall Taylor said \$2,500 - \$3,000. It's \$150/hour to install and train Councilor Knapp said about \$4,000 to set it up and purchase it. He asked if it would be put downstairs.

Marshall Taylor said it will probably go on Mary Doster's desk. He's afraid it would get too hot downstairs for it. If the closet is cool enough in the summer, it could go there.

Supervisor Scammell asked what the cost for pictometry would be.

Marshall Taylor said \$160/sq. mile x 43 miles at low level. This would be about \$7,000. They will not be flying until next year. The county may come up with some funding to offset this cost. We aren't going to have to worry about this until next year so this wouldn't have to be discussed until budget time. He would just like the Town Board to find a way to fund technology.

Councilor Knapp believes this is something we need to do at some point.

Councilor Bailey asked if we would include the Justice Court in this as it would give the Justices the ability to do power points, etc.

Marshall Taylor said yes. A person could come in to make a presentation and plug into a projector to display things on the wall. This doesn't have to be decided tonight. He would suggest when the budget is discussed for next year, money be set aside for technology.

F. SPDES, Phase II.

- 1) **Manuals sent to TB, CE, TC, PB, ZBA, E&CAB.**
- 2) **Q & A, J. Dunkle - 3.14.05.**
- 3) **Time & expense log (J. Dunkle letter).**

Supervisor Scammell said we need to do a time and expense log for preparing this material.

G. Surplus equipment list for Earth Day, 2005.

- 1) **Town Historian computer.**
- 2) **Town offices, highway and community center.**

Supervisor Scammell would like to clean up whatever items we have that aren't useful for Earth Day.

H. Other.

10. New Business.

A. Other.

Councilor's Knapp moved and Bailey seconded the motion that the Supervisors Books have been audited and accepted. Motion passed unanimously.

Councilor Knapp said this past weekend the Varsity Girls Volleyball Team won the state championship. A couple of years ago when the lacrosse team won we did a proclamation. He thought we could do the same thing for the Varsity Girls

Volleyball Team . He will prepare something for the next meeting.

Councilor Knapp said the Community Council has asked to take a look at our insurance policy just to update themselves on what coverage we have and don't have. They have a Board Member who deals with insurance and will look our policy over this week.

It was decided not to get the Terrorism Policy for \$900.

Marshall Taylor said Councilor McConnell was going to go to the school about helping to fund the reval. He would like to know if the school helps fund this, will they raise taxes?

Councilor Knapp said the concept was they benefit from the reval too. We were just looking to see if they would be interested in helping to pay for it.

Councilor's Knapp moved and Smith seconded the motion for the Town Board to go into Executive Session to discuss a matter of litigation and to include the Town Attorney and Code Enforcement Officer. Motion passed unanimously.

The Board went into Executive Session at 8:20 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 9:00 p.m.

11. Suggestions for improvement & positive contributions.

12. Motion to audit and pay bills.

Councilor's Knapp moved and Smith seconded the motion to audit and pay the following bills:

HIGHWAY FUND	# 2871 through #2877
GENERAL FUND	# 2878 through #2907
TRUST & AGENCY FUND	# 2909 through #2918

Motion passed unanimously.

13. Executive session (as needed). (Held earlier)

14. Motion to adjourn.

Councilor's Knapp moved and Bailey seconded the motion to adjourn. Motion passed unanimously.

The Regular Town Board Meeting adjourned at 9:02 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk