

Minutes of the Town Board Meeting/Public Hearing held by the LaFayette Town Board on March 14, 2005 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
William McConnell, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Kevin Gilligan, Town Attorney
Leon Cook, Highway Superintendent
John Dunkle, Town Engineer
Sheila Hough, JRPA
Nancy Mueller, Env. Board
Robert Shute, Route 11
Kyle LaTray, JRPA
Knowlton Foote, Env. Board
Tim Brayman, JRPA
Mark Fulmer, JRPA
Joseph Andaloro, JRPA
Wolff Garritano, Env. Board
Jim Butkus, ZBA
John Harper, LFD
Rich Strong, Time Warner Cable
Steve Chase, JRPA
David Broda, JRPA
Steve Beggs, ZBA Chair.
Jim Sheedy, JRPA
Kathryn Bolsei, JRPA
Kristine K., JRPA
Ann Dillion, JRPA
Jane Praetorius, JRPA
Roger Praetorius, JRPA
Nancy F., JRPA
Pete Paul, Dep. Supervisor
Terri DeRollo, JRPA
Bonnie Seeman, JRPA
Mary Steiner, JRPA
Michael Seeman, JRPA
Paula Naselli, JRPA
Jim Taylor, JRPA

1. Supervisor Scammell called the meeting to order at 6:31 p.m.

- 2. The Town Clerk took the Roll. All present.
- 3. Pledge to our U.S. Flag led by Town Councilor Sandy Smith.
- 4. **Councilor’s Smith moved and Bailey seconded the motion to accept the February 14, 2005 Public Hearing Meeting Minutes and Regular Town Board Meeting Minutes as amended to have public hearing close and then have action taken during Regular Town Board Meeting. Voting was as follows:**

Supervisor Scammell	Aye
Councilor Smith	Aye
Councilor Knapp	Abstain
Councilor Bailey	Aye
Councilor McConnell	Abstain

Motion passed.

Councilor’s Knapp moved and McConnell seconded the motion to accept the February 28, 2005 Regular Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.

5. Public Hearing-6:30. Time Warner Cable TV franchise.

Supervisor Scammell opened the public hearing for the cable franchise. He asked Kevin Gilligan for a summary on the public hearing.

Kevin Gilligan said this is a renewal of the Time Warner Agreement and before you have a renewal, you must have a public hearing.

Richard Strong was present to represent Time Warner.

Pete Paul asked if they ever look at any new areas.

Supervisor Scammell said yes they do. There’s a formula they use. Sometimes it’s just too expensive. He asked for any other questions or comments. There were none.

Councilor’s Knapp moved and McConnell seconded the motion to close the public hearing. Motion passed unanimously.

Supervisor Scammell asked if there were any communications from the resident’s.

Kyle LaTray said they are here for a couple of things. They are here to request a zone change for their area and to voice their concern regarding the issue of changing the cul de sac length.

Bob Shute said he would like to report to the Town Board on a zoning matter. He has followed up with Jack Sutton’s recommendation and the mediator has sent a letter to the Code Enforcement Office to open the matter up for negotiation. Jack Sutton recommended having remediation and he followed up with it per his instructions.

Supervisor Scammell asked what impact this might have on the court case.

Kevin Gilligan said he has just heard about this.

Councilor Knapp said Judge Perrin will make that determination.

Kevin Gilligan said it’s a pending matter in the court.

Supervisor Scammell said the Board will move ahead on the agenda to a special report by John Dunkle regarding SPDES.

John Dunkle said we are into our second year of the SPDES permit requirements that have been sent down to us. This whole business came about through the Clean Water Act in the 70's. Two years ago a law was enacted passing this on to local municipalities which states 6 items local municipalities have to follow to regulate stormwater runoff. The 6 items are:

- 1) Educate the public.

We need to let everyone know these regulations are out there. The Town has entered into an arrangement with the Central N.Y. Regional Planning Board to help do this. The Regional Planning Board has put out brochures and held public informational meetings, etc.

- 2) Involve the public.

Through publicity and local awareness and to get the local conservation groups involved to help clean up areas that might involve stormwater runoff. The local cleanup days help with this.

- 3) Getting a good sense of what the town drainage facilities are for every municipality.

We started this two years ago when they went around and mapped out the areas that runoff occurs. Regional Planning has applied for a grant to help with this mapping. They have already completed a base map.

- 4) Regulate & monitor construction sites.

- 5) Regulate & monitor post-construction.

- 6) Each municipality is required to take care of their own town activities.

Each town must be sure they are taking care of their own areas of runoff and ways to help with the pollution.

The town has until 2008 to comply with all these regulations. Right now the state is regulating construction sites. If any construction project disturbs more than 1 acre of land, a permit is required from the DEC and a stormwater management plan is required. This is being solely done through the NYS DEC right now. The DEC is saying in 4 years, this all has to be done at the local level. Items 4 & 5 above are about regulating activity at the local level. They have put out a guidance book for local officials to start looking at. It tells what ordinances and laws are in place. The book does contain a model local law that needs to be modified before it's adopted as a local law. In the next 3-4 years this local law must be adopted.

Councilor Knapp asked how close our current zoning regulations are to what is required.

John Dunkle said the town has a Zoning Ordinance and Subdivision Regulations but nothing on earth removal. It would state how a permit could be obtained.

Councilor Knapp said unofficially the CEO has been involved with things like this.

John Dunkle said quite frankly we are doing most of this now but will just need to make it official. An Erosion Control Officer will have to be appointed to be sure all permits are acquired, etc.

Councilor McConnell said this addresses an acre or more of disturbed land. What about a home.

John Dunkle said if it's just 1 home and not part of a large development/subdivision it wouldn't apply to it. A typical single family home doesn't disturb an acre of land.

Kyle LaTray asked if the DEC ever requires bonding to insure compliance.

John Dunkle said the DEC is too big to handle something like this now but when it comes down to the local level it could be implemented.

Nancy Mueller said she has been involved in writing local laws for this. One thing that always comes up is the review. A lot of towns are using contracts with Soil and Water Districts to review these plans as they are trained in this. She wondered if there was any interest next door to set up a contract to do this.

John Dunkle said that is a great idea. Someone does need to do that. Part of this legislation requires the plans to be reviewed by a professional. One of the things that is important for everyone to know is that there are some costs to the town and the taxpayers to initially set this up. Once it's in place, the costs will be incurred by the developer for the review, etc.

Councilor Bailey asked if he foresees any other costs to the town.

John Dunkle said there's the mapping which we are working on grants to reduce the cost. The town paid some money to the Central NY Regional Planning Board for publicity. There are some ongoing costs to comply with this.

Councilor McConnell asked if the steps should be put in place now.

John Dunkle said there needs to be input from the Planning Board, and various people involved, public hearings, etc. He would say it will take 2 years.

Nancy Mueller said it went pretty quickly in Homer. It was a little harder in Cortlandville. She would recommend taking your time and doing it over the next 2 years. The local law really sets up a better review process. You can charge an application fee in case someone has to go out and review the area so this would cover the man-hours or if an enforcement action is required.

Supervisor Scammell asked why Homer was more favorable of this than Cortlandville.

Nancy Mueller said probably because Cortlandville was experiencing more large subdivisions at the time.

Jim Butkus asked if farms and agricultural districts are exempt from this.

John Dunkle said yes. They are regulated separately.

Supervisor Scammell asked for any other questions or comments.

John Dunkle said a working committee consisting of a Town Board Member, Planning Board Member, Town Attorney and himself could be set up to work towards this local legislation for the modification that might be required.

Supervisor Scammell asked what the next step we need to do is.

John Dunkle said there's a detailed assessment of the existing ordinance and how to tailor the model ordinance to the town's specific needs. He thinks a working committee could do this.

Supervisor Scammell asked for any volunteers.

Councilor McConnell volunteered.

Councilor Knapp asked Kevin Gilligan if he had to do this for any of his other towns yet.

Kevin Gilligan said no but he will be doing it for all of them.

Knowlton Foote asked if John Dunkle would like to come back in 6 months to give an update.

John Dunkle would suggest this. He would like to involve the CEO on the committee too. It's suggested in the ordinance for that individual to be the front person for this as he is the one who gets all the permits.

6. COMMUNICATIONS.

A. Residents. (Please sign in and give your name before you speak).

Supervisor Scammell said he received written correspondence from Dave Fox.

"This is to notify you that because I have relocated to Myrtle Beach, S.C. I will no longer be able to perform my duties as Election Machine Custodian for the Town of LaFayette. I would like to thank you all for past recommendations and backing. I would be glad to help whoever takes my place when we come up to see family and friends. You could call me on my local cell phone number..."

B. Onondaga County Department of Youth & Aging: Neighborhood Advisor.

"The Onondaga County Department of Aging and Youth is initiating a new service that you may be interested in providing to your constituents. The goal is to provide people with information they need to remain safely in their own community as they age.

To better serve the public, a Neighborhood Advisor would be assigned to be in your building one-half day per month to answer questions. You will be asked to advertise the date and time once we have agreed what is convenient for you. This pilot project will begin in April 2005.

An overview of the types of services available for seniors and what questions we are able to answer will be presented at the initial meeting..."

Supervisor Scammell would think the Community Center would be a good spot for them to go depending on how many people they have.

Councilor Knapp would recommend forwarding a copy of this to the Sr. Citizen Group.

Supervisor Scammell will contact Marilyn Pinsky to let her know we will do this.

John Harper said he might want to consider the fire house too as the Senior Citizens have their luncheons there on Wednesday.

Supervisor Scammell thanked John and will try to get this to them before their next meeting.

C. Association of Towns: Property Tax Reform Task Force.

The Property Tax Reform Task Force is a nonpartisan group established in Ulster County as a cooperative effort between the Town governments of Marbletown, Rochester, Rosendale and Wawarsing. The Towns are cooperating in this effort since all are affected by the increasing property tax burden on their citizens, and they share the same school system. The Ulster county Supervisors Association has voted to formally endorse the Task Force's work. The Association of Towns is assisting the Supervisors Association and Task Force in soliciting responses from Towns statewide...

The escalation in local property taxes that our towns are experiencing is primarily driven by the school budget; it currently accounts for about 80% of total property taxes and, in Marbletown specifically, the school levy has increased more than 65% in the past six years...

We want to develop a network of groups – whether Town-affiliated or independent resident associations working on property tax reform and other local concerns. If there is such a group in your Town, please share with us the name and contact information of someone associated with the group to the E-mail address of the Task Force...”

Supervisor Scammell said there is a sample resolution attached.

Councilor Knapp said basically they want to find alternatives for funding the school district.

Kevin Gilligan said they are basically wanting to shift it from property based tax to income tax. He will give a report on this at the next meeting.

Councilor McConnell noted they have a website that will be up soon.

D. Codes Enforcement Officer Ralph Lamson: email account request.

“I have spoken in the past about obtaining an e-mail address for Code Enforcement. One more reason has recently surfaced to make this more important. The State sends out notification of in-service training by e-mail. We are required by the State to take 24 hours of in-service Training a year. If we don’t find out about the classes early enough we aren’t able to take them locally. I am currently signed up to take two classes in Utica that I missed out on in Onondaga County. There are also inspections that I can have sent to me by e-mail and numerous contractors are using email to stay in touch with Building Officials. I appreciate you taking the time to look into this matter...”

Supervisor Scammell said he talked to Marshall Taylor about this. Under AOL right now, it would cost too much to add this to the account. If we switch over to digital towpath we could have more e-mail accounts than we currently have.

Councilor McConnell said that coincides with having a server.

Tom Chartrand said each account right now costs about\$25/month. Once you hit more than 5, it jumps up to about \$35/month.

Leon Cook said he got a call from a lady on West Shore Manor. The camper is still on the island.

Supervisor Scammell said actually we are following up on this.

Councilor McConnell said we aren’t very close to making a decision on the server yet.

Supervisor Scammell said Marshall Taylor advised he would put some time into researching digital towpath versus AOL.

Councilor McConnell asked if Marshall Taylor could do this for the next meeting.

John Harper asked if the town had looked at Verizon as you can have up to 8 accounts on it.

Bob Shute said he would like to submit a letter from the mediator and a letter he wrote.

Supervisor Scammell said to leave a copy with Mary Jo Kelly and she will make copies for the Board.

E. Office of the NYS Comptroller: Service Awards Program.

“Legislation enacted in 2004 created a new reporting requirement for service award programs for volunteer firefighters.

Article 110A of the General Municipal Law authorizes governing boards of local governments and fire districts to establish a service award program for volunteer firefighters in certain fire departments or fire companies providing fire protection services to the local government or fire district.

Recent amendments to this law, effective September 14, 2004, require the governing board to notify the State Comptroller of the adoption of a service award program within thirty days after the voter approval required to establish the program. Local governments and fire districts that had service award programs in existence on September 14, 2004 are also required to notify this Office of such programs by March 14, 2005. In all cases, the notice must specify whether the service award program is a defined contribution plan or a defined benefit plan...”

Mary Jo said this has been taken care of.

Councilor Knapp asked who notified them.

Mary Jo said she did.

F. Onondaga County Agriculture & Farmland Protection Board: Development Rights.

“PENDING LEGISLATION AND PURCHASE OR TRANSFER OF DEVELOPMENT RIGHTS

1. The American Farmland Trust forwarded the enclosed information regarding proposed legislation in the New York State Legislature to the Onondaga County Agricultural and Farmland Protection Board. The Board is forwarding this information to towns in Onondaga County for their review and discussion in case they would desire to make comments to New York State Legislators. Would you please pass this information along to your Planning and Zoning Boards as well?
2. The Onondaga County Agricultural and Farmland Protection Board (AFPB) is initiating the 2005 pre-proposal process for the Purchase of Development Rights from farmland and Transfer of Development Rights from farmland. Through the process the AFPB determines which projects they will recommend for further review by and potential finding from the New York State Department of Agriculture and Markets...”

Supervisor Scammell said this has been passed on to the Zoning and Planning Boards. He asked Kevin Gilligan to explain this.

Kevin Gilligan said it’s a mechanism to preserve farmland in New York State. This actually pays farmers not to develop their farmland into developments.

Supervisor Scammell asked what determines the price.

Kevin Gilligan said he is sure they have appraisers come to the site.

Councilor Knapp said it can’t be a piece of land stuck out in nowhere land.

Supervisor Scammell asked if this is forever.

Kevin Gilligan said he didn’t know. He would guess it’s a 99 year arrangement.

Supervisor Scammell said so the farmer continues to farm the land.

Kevin Gilligan is sure this is done with covenants that put restrictions on it. If a farmer decides to do something else with his farmland, he can’t because he has agreed not to.

Supervisor Scammell asked if there is any way to revoke this.

Kevin Gilligan didn’t know. He is sure there would be hefty penalties.

Supervisor Scammell asked if there is some way we can publicize this. He would assume they notify the farmers. He will call and try to get a copy of the packet so it's available if anyone would like to see it.

G. American Farmland Trust: Funding for NY's Farmland Protection Program.

Kevin Gilligan said there is a request that you let the county legislature know by April 10th if there is anyone interested for this year's go-around. The second part is just asking you to lobby for more money for this program.

Supervisor Scammell noted "last year's applications included 121 farms covering 18,367 acres in 24 counties."

H. Association of Towns: 2005 Legislative Program.

"Medicaid Reform. WHEREAS, New York has the highest Medicaid costs in the nation, which continues to drain both state and local budgets and are a major factor in New York having the highest local taxes in the nation;..."

Councilor Knapp asked Councilor Bailey if they talked about this at all in New York.

Councilor Bailey said there was a small summary for each resolution and that was basically it.

"Preserve Local Control over Health Insurance Benefits. RESOLVED, that the Association of Towns is opposed to any State mandated restriction (such as A071q75/S 2501-B or A 4962a/S973a) that would affect a local government's control over the provision of health care benefits to its active or retired officers and employees..."

Kevin Gilligan said we are not a GASB 34 municipality so this wouldn't apply to us.

Councilor Knapp thinks the highway program would allow towns to set speed limits on town roads.

Supervisor Scammell said now we rely on the NYS DOT to expend this money and this will change it to be up to us.

John Dunkle said the NYS DOT is impartial and that is the reason they have dictated the speed limits.

Supervisor Scammell said our experience is that these are rarely reduced.

John Dunkle said basically it's the condition of the road that determines the speed limit.

Kevin Gilligan said there are many towns because of their size that are given this power. The Association of Towns is asking for this to be spread to all towns. The Town of Onondaga sets their own speed limits and this would ask for towns like LaFayette to be allowed the same power.

Councilor Knapp asked what determines this.

Kevin Gilligan said the size of the town.

I. Jamesville Reservoir Preservation Association: Zoning district for Jamesville Reservoir area.

"The membership of the Jamesville Reservoir Preservation Association respectfully requests to make application for a zoning district in the area of Jamesville Reservoir. Such district would be bounded as follows:

- North - Town of LaFayette northern boundary
- East - Town of LaFayette eastern boundary

South - Jamesville Beach Park southern boundary and Pompey Town line
West - Apulia Road

Included in the zoning district:

Minimum lot size of three (3) acres
Single family dwellings with permanent basements
Height restrictions in accordance with current town requirements
Lighting limitations in accordance with current requirements
No cul-de-sacs
No public access to Jamesville Reservoir
Boat compliance relative to current speed and noise requirements

The members of Jamesville Reservoir Preservation Association wish to maintain the character and health of the reservoir and the County Park at Jamesville Beach as they are today.

Members of our organization will be pleased to meet with you to discuss this and answer your questions...”

Kyle LaTray said there are 19 Reservoir Members here. They are very concerned with a lot of things that are going on now. They are concerned with the life expectancy of the reservoir and seeing that it doesn't deteriorate any further.

A resident asked what the process would be to create a separate zoning for this area.

Supervisor Scammell said a new classification would have to be determined as this proposal doesn't fall under any of our current zoning. Maybe a R-1 classification.

Kevin Gilligan said the Board must give 5 days notice for a public hearing and after the public hearing the Board can vote on it. If it is passed, it's sent to Albany and as soon as they receive it, it becomes effective.

Kyle LaTray said who would draft the legislature for this.

Supervisor Scammell said the Town Attorney would do it.

Kyle LaTray asked how they would request this.

Supervisor Scammell said this written request is before the Board to think about it.

The Town Board has the legislative authority to change these laws. The immediate next step would be for the Town Board to determine if they would like to go forward with this.

Kyle LaTray asked if the Board would like to meet with them about this.

Supervisor Scammell believes the Board would like to mull this over a little bit first. Any Board Member could meet with the resident's individually to discuss their concerns.

Councilor McConnell would like to understand their concerns. For example, the 3 acres and the boundaries. He would like to have a better understanding of this before it goes to a public hearing. Right now there's a group that is working on Focus 10 and a survey will be going out in the fall. That will be coming before the Board in the next couple of months too. They will be meeting on Wednesday.

Supervisor Scammell said they are free to say whatever they would like to this evening.

Pete Paul asked if after the meeting on Wednesday the information will be available for the community to know what is happening.

Councilor McConnell said yes. He would like to know how they came up with the boundary area.

Kyle LaTray said it's really pretty limited. It comes just outside the reservoir area. They tried to pick boundaries that were easily definable but that didn't affect a lot of people. They are just trying to protect the reservoir so it doesn't deteriorate more. If they can

control the small perimeter of the reservoir, they can control what's happening to the reservoir a little better.

Bob Shute said the reservoir issue may also fall under the Phase II SPDES. Some communication might be made with the town engineer about this so they are all on the same page. The other thing that comes to mind is if this is a proposed zoning district, who would be the appropriate administrator and handle enforcement of it?

Supervisor Scammell said the same person that does it is now, the CEO.

Councilor McConnell asked if the main concern is to preserve the reservoir, how did the 3 acres and single family dwellings, etc. come into place?

Kyle LaTray said there is very little room for a lot of things to occur including septic systems. 1 ½ acres sitting on the reservoir doesn't really give you an adequate amount of property to deal with septic, well and runoff from the property.

Councilor McConnell asked how having a basement instead of a cement pad affects the reservoir.

Kyle LaTray said that is more to address the character of the property.

Pete Paul asked if there is an area that would fall into the 3 acre parcel within those boundaries.

Kyle LaTray said there's the Keough Farm that runs down Route 91. There's a lot of land along Butternut Creek that runs into the reservoir that they are trying to control. There's the new development being proposed.

Pete Paul asked if it would eliminate access to the water.

Kyle LaTray said yes.

Pete Paul asked if there isn't a boat livery and how would they control that?

Kyle LaTray said that would grandfather in.

John Dunkle said he has had some experience working in the Towns of Cazenovia and Skaneateles and they all have similar issues. A point everyone should be aware of is if the Board should decide to act legislatively that the parcels must be 3 acres, the existing lots that are on the reservoir that are not 3 acres now will grandfather this in. You must look at what land is left and how effective creating a new district would be.

Nancy Mueller said a lot of lakes do have these districts. The one thing that seems to be tripping everyone up regarding law suits is if the boundaries are not hydrologically defined, they will get kicked out. To define your boundaries by roads and not by watersheds, etc. won't mean anything.

Supervisor Scammell asked if any municipalities spring to mind that have well written ones.

Nancy Mueller will find out what the good ones are.

A resident said he thinks their proposal goes beyond the engineering aspect. It also addresses the architectural issues of the area.

Supervisor Scammell asked Kevin Gilligan if the town has any authority over the regulation of boats, etc. on the reservoir.

Kevin Gilligan said no. The state pre-empts us on this. We recently talked about this and found that the town has no jurisdiction over the reservoir.

Knowlton Foote said a gentleman brought up the concern about the preservation of the reservoir which he believes is a separate issue. Maybe the county would like to look at this.

A resident asked since the town has no jurisdiction over the water with respect to boats, speed, weight, etc., who does?

Kevin Gilligan said the NYS DOT.

A resident asked if they call the DOT, what happens then?

Kevin Gilligan said it would be up to the DOT.

Supervisor Scammell asked what determines the speed.

Kyle LaTray said generally when the property falls within the municipality, the municipality does have a say.

A resident asked if the size of the body of water doesn't determine the speed.

Councilor Knapp believes we don't have jurisdiction because it's part of the canal system.

Kevin Gilligan asked how the boats get into the reservoir.

Kyle LaTray said the boat landing.

Pete Paul believes Mr. Schwenn was proposing to limit the horsepower rather than the speed awhile ago.

John Harper said someone might want to contact Cross Lake Association. They have a speed limit and horsepower limit. They are part of the canal system too.

Councilor McConnell asked if the Jamesville Reservoir Preservation Association includes more than the 19 people here tonight.

A resident said there are probably over 50 people who attend the bi-weekly meetings.

Councilor McConnell asked if they all are in agreement with the proposal submitted tonight.

A resident said they were all together when it was decided upon.

Kyle LaTray said they are trying to regulate themselves.

Councilor McConnell asked how they do that.

Kyle LaTray said they are trying to create this district so they have some control over what goes on.

Councilor McConnell believes time is of the essence. He asked what they expect out of this Board regarding timing.

A resident said they want it so only the people that own the waterfront have access to the water.

Kyle LaTray said one of the things that came up was the public access. This didn't come up until the recent development proposal.

Councilor McConnell asked if they are asking this Board to decide this to deter the existing proposal.

Kyle LaTray said no. His understanding is that the proposal is already before the Planning Board and this wouldn't have anything to do with that. Their organizations position is that they have to do something to stop future development. They are trying to start the process. There are a lot of people who are working very hard to try to correct the damage that has been done to the reservoir.

Councilor McConnell would offer to attend one of their meetings to better understand their concerns. He asked them to let him know whenever they would like to get together.

Kyle LaTray said they will invite him to the next meeting.

Councilor Knapp asked what the depths of the lake are now.

Kyle LaTray said it depends who you talk to. It's about 18'-20'.

Councilor Knapp knows it's different at the south end.

A resident said it's about 3' at the south end. It's almost been completely filled in with the runoff from Butternut Creek. In 1983 it was 8' deep and now it's roughly 3-4' deep and it is basically dead.

Councilor Knapp asked when they drained the reservoir.

A resident said in 1980.

Kyle LaTray said if you look at the old topo's, they have lost about ¼ mile of reservoir.

A resident said when Butternut Creek was redirected, it had a real effect on the southern end of the reservoir.

A resident said he goes back to 1967-1968. The fishing all the way around to the Grove was phenomenal. The encroachment of weeds and subsoil's has claimed about 25% of the lake on the south end. There's no way you can put an absolute minimum on boats that can use that lake. Speed is much more easily enforced. Jet skis can go 70 mph with little horsepower. It seems like we should put a damper on anyone who doesn't own lake front allowing access to the lake to their neighbors for boats, jet skis, etc. The new development proposes allowing access to the lake from all 21 lots. If you don't own on the water, it doesn't seem you should have rights to the water.

Councilor Knapp asked Kevin Gilligan if he can find out who is the enforcement entity for the reservoir.

A resident said he thinks it's the NYS Thruway Authority.

A resident said back in 1978 when they drained the reservoir for the first time, they started the Jamesville Reservoir Association as the rumor was out that they didn't plan on refilling the reservoir. The DOT claimed ownership and was the regulatory of it.

Knowlton Foote thinks these folks have taken on a serious issue for the town and thinks they should be commended for doing this.. Maybe the county and state should also be involved in this.

Katie Bolsei said she doesn't think people who don't live on the reservoir can appreciate the impact on the reservoir. There is zebra muscles all over in the reservoir now. Outsiders just don't appreciate the damage that they do.

Paula Naselli said she has a chain on her dock that is covered with zebra muscles.

A resident said they just feel victimized by outsiders.

A resident said they throw their trash in the water.

A resident believes the majority of the problem is from the north end of the reservoir where the sportsmen group is. It is really unregulated. It's wide open and anyone can come in there. The person who runs the marina does a good job screening the people who come in.

Supervisor Scammell asked how many areas are there now that the public can get access to the water from.

A resident said there are those 2 areas and some neighbors that have a boat launch capability.

Kyle LaTray said the marina owner has done very well at controlling who launches their boat there.

Supervisor Scammell asked if you can launch from the Beach area.

Kyle LaTray said no. They fought very hard not to let this happen.

Another resident said you can only launch boats you can carry in, i.e. canoes.

A resident said just last weekend there were maybe 5 snowmobiles and ATV's that were going along the reservoir that came in from the Grove area.

Kyle LaTray said they have a lot of issues they need to address and this is where they are starting.

Bob Shute said since the county has a county park there he would presume someone should be in touch with the county to get their input as they do have a vested interest. Should the county share in the expenses of this process?

A resident said there was quite an extensive survey of the lake done by the Corp. of Engineers. He believes there was some federal funding given towards that project as a matching funds thing. He thinks this has kind of stalled out now.

Supervisor Scammell said we don't have any matching funds for this. They are looking for someone to co-sponsor 33% of the over 7 million dollars they are proposing.

Kyle LaTray said that was one of their members who made this happen. They are not just sitting on the sidelines, they are working to make things happen.

Councilor Knapp asked why this was drained.

A resident said there was some question as to the safety of the dam. The DEC became involved.

A resident asked if there is anything the Board can do to try to procure the 33% of non federal money by pushing the state or DEC.

Supervisor Scammell said he doesn't know the answer to this. He knows we have been unsuccessful so far.

A resident said if something isn't done, it will be all wetland and there will be no reservoir.

Supervisor Scammell said the Town itself doesn't have 3 million dollars for this.

A resident said all of the people who do septic tank work down there have made a statement because of all the years of filling in, the septic tanks and leach fields lines are so full and the clay is unable to sustain any future dumping. A sewer system may have to be put in down the road.

Knowlton Foote asked how the water quality is from a health point of view in the summer.

Katie Bolsei said she thinks it's quite good. It gets tested.

If there is a large storm, you can watch the water change from the runoff from Butternut Creek.

A resident said the watershed is huge out there.

Knowlton Foote believes we have a dieing lake.

Nancy Mueller said Jamesville isn't the only one in New York State. Everybody has the same problems. Lake Lorraine, which is another canal feeder, has a separate taxing feature. The Madison County Sheriff's Dept. does do patrol on that lake. She doesn't know if there's a speed limit but each state has a wake zone.. Everyone creating a wake must be 200' from the shore. The No Wake Zone is pretty uniform. The trick is getting someone out there to do the patrol.

A resident asked if the town could request a schedule for patrolling the lake a couple of times a month.

Councilor Knapp said the Board could ask Capt. Bronstad when he comes to another meeting.

Tim Brayman said a lot of this stuff got initiated due to the development being proposed at the south end. Zoning became an issue. They aren't trying to be selective. He thinks this whole development is a wake-up call for the whole town. He thinks we need to look at the zoning regarding what we want to see in the next 100 years.

John Harper asked if the DOT Barge System has control over this lake and if so, why not look to them for funding?

Kyle LaTray said they won't even address having any ownership of the reservoir.

Councilor Knapp asked as part of the subdivision at the south end, are they knocking down what is left of the Grove?

A resident said the Grove is on two of the lots they are proposing to develop.

Tim Brayman said with it not being properly posted, nothing has been done to limit access to the site. The grass was over 4' tall last summer and all it would have taken is one lit cigarette and they could have really had a problem. They have lots of people coming in to look around.

Supervisor Scammell said he would appreciate it if someone would call him if they see young people congregating there.

Kyle LaTray asked if zoning couldn't force them to board the Grove up.

A resident said there has already been fires inside the building. You can see where they had a bonfire inside the building.

Supervisor Scammell will talk to Ralph Lamson about this and see what can be done to get this building boarded up.

A resident asked what happens if they don't get the trailer off the island before summer.

Supervisor Scammell has received correspondence on this. He received a copy of a letter from Robert D. Ventre of Coulter, Ventre & McCarthy to Hon. Malcolm W. Knapp dated March 1, 2005, advising he has taken over the case and requesting a time extension. He also is in receipt of a letter to Hon. Malcolm W. Knapp dated March 2, 2005 from Samuel C. Young of Costello, Cooney & Fearon advising the deadline the trailer was to be removed by has passed and opposing any delay in the removal of the trailer.

Kevin Gilligan would suspect the judge might be thinking about adjusting the fine.

A resident said the judge could order him to get it off there by making him hire a barge to get it off.

A resident said last year when they had the flood, he doesn't know what they are using for a septic system, but it was pretty bad.

A resident asked if it would help if they called Judge Knapp.

Kevin Gilligan believes as resident's who have a personal interest, they could write the Judge.

Councilor Bailey said their comments would be part of the court record.

Supervisor Scammell noted the order to remove the trailer was March 1.

Councilor Knapp said there is some discrepancy as the old attorney's paperwork said the 15th of March.

A resident said he could get the trailer off this week. The ice is plenty thick enough.

Pete Paul asked how big the trailer is.

A resident said it's about a 40 footer.

Supervisor Scammell said by the Town Board's next meeting on the 28th, the Board will be able to tell them where they are going with the zoning proposal submitted.

A resident said if the Town Board has any questions, hopefully they can answer them before the next meeting.

Supervisor Scammell would ask the Board to submit any questions they might have so he can forward them to Mr. LaTray and we can have answers by the next meeting.

Kevin Gilligan said one of the resident's said they have a map of the proposed boundary.

Kyle LaTray said you could just use the town map and mark where the boundary is by the roads on the map.

Councilor Knapp said we need to be sure of the boundaries so it doesn't get shot down in a year or two.

J. Jamesville-DeWitt High School: Operation Graduation.

A letter dated March 1, 2005, asking for a donation for their after the Senior Ball Party.

Councilor's Knapp moved and McConnell seconded the motion to donate \$100 to the JDHS Operation Graduation. Motion passed unanimously.

K. Time Warner Cable: Programming affiliate agreements.

"I am writing to advise you that the continuing disagreement between Time Warner Cable and affiliates of Cablevision Systems has resulted in the discontinuance of carriage of Fox Sports New York, the MSG Network and Fox College Sports channels on Time Warner's cable systems in upstate New York. Our extension expired at the end of the day on Monday, March 7...."

L. NYS Assemblyman Jeff Brown: Albany Update.

"Here in Albany, our main focus continues to be passing the budget before the April 1st deadline. There is some optimism that we may have an on-time (or close to on-time) budget for the first time in 20 years given the public nature of this year's process and the early agreement on revenue projections. However, a number of major issues remain unresolved, including education funding, Medicaid reform and changes to the pension system. Legislators have been told to be prepared to spend long days and weeks in Albany as we work around the clock to wrap things up by April 1st. More to follow.

Another issue, other than the budget, that a number of us in Albany are intently focusing on is the Department of Defense's military base closing process. In just over two months, on May 16th, the DoD will release its list of military installations recommended for closure over the next several years. Many of us in government and the business community have been working very hard to make sure that Hancock Field Air National Guard Base in DeWitt is not on that list.

And for good reason, Hancock Field generates almost \$110 million per year to the Central New York economy and employs over 1,500 people... The F-16s flown by the 174th Fighter Wing, as well as the troops continuously deployed overseas from the 27th Brigade, are constant reminders of our community's good fortune to have organizations whose sole purpose is to protect us, our families and our way of life.

That's why we in the New York State Armed Forces Legislative Caucus, a bi-partisan group of state legislators who are also veterans that I founded last year, are focusing all our energies on protecting New York's military bases. And you can help too. The Hancock Military Affairs Community Council, a group of Central New York community leaders established by the Metropolitan Development Association, has created a website that allows you to write letters to the DoD urging them to keep Hancock Field open. You can visit the site at www.savehancockfield.com and click on Help Us..."

M. Onondaga County Department of Emergency Communications: MOUw. Onondaga County.

Supervisor Scammell said Charles Gabriel and Greg Hoxie came to him about this. They would like the Town to send the following letter:

"The Town of LaFayette has constructed and is operating a station under call sign WNP900 on frequencies 453.8250/458.8250 located in the Town of Pompey in Onondaga County N.Y. at coordinates 42-56-47.2/076-01-30.7.

The County of Onondaga, NY has a need to improve their communications system and is implementing a new County wide trunked radio communications system. Pursuant to the license change for these frequencies, Onondaga County is requesting our concurrence...”

Supervisor Scammell said he talked to Leon Cook and was advised BOCES is somehow involved in this.

Leon Cook said they said 100% no. We have too many on that frequency right now. We have a repeater up in Pompey that takes care of LaFayette Central School and Fabius-Pompey School and the LaFayette Highway Dept.

Councilor Knapp said these are for radios in the trucks.

Leon Cook said yes and the base radios. Right now when the Highway wants to use it to communicate from one truck to another, they get knocked off when LaFayette Central School or Fabius-Pompey School is on it.

Supervisor Scammell believes they are only looking to borrow it.

Leon Cook said if you read the letter, they are kind of wanting to take it over. They are even offering to pay for the license. Right now we are licensed until 2014.

Supervisor Scammell asked who he talked to at BOCES.

Leon Cook said Danny Sawkins communicated with them.

Councilor Knapp asked who wants to take it over.

Leon Cook said Emergency Communication – 911.

John Harper said 911 Central has a major communication problem especially in the south. In LaFayette there are 2 major problems. One is down near the mudslide and on Route 11A and the other is on Apulia Rd. and Dodge Rd. You loose communication even on the new radios they have. They have 35 radios and 3 repeaters from a state grant to set up their own communication system and they still have a couple of voids. This is why the county is pursuing to get all the low-bands they can as they seem to work better.

Leon Cook said he spoke to a gentleman at Jay Electronics. He has a repeater in Otisco which is one of the highest areas. If they would try to get on that, it would cover the area in Cardiff. Jay Electronics repairs the school and Highway Dept. radios.

Supervisor Scammell will call Charles Gabriel and express our concerns about this and see what he says.

N. Other.

7. SPECIAL REPORT. SPDES, Phase II, John Dunkle (6:30).

This was given earlier.

8. REPORTS.

A. Departmental (4th Monday).

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

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.**
- 3. Route 11N (just north of town offices) – 2 autos, visible from LPL parking lot.**

- b) **House attachments & additions.**
- 2) **Dog Control: Sue Snavlin & Madeline Despres.**
 - **2005 NYS Ag & Markets – injured dogs.**
- 3) **Highway Superintendent: Leon Cook.**
 - **2005-2010 Snowplow Agreement.**
- 4) **Justice: Malcolm Knapp & Maureen Perrin.**
 - **Copier – installation.**
- 5) **Library Director: Scott Kushner.**
- 6) **Recreation Director: Regina Reinschmidt.**
- 7) **Town Clerk: Mary Jo Kelly.**
- 8) **Town Supervisor: Greg Scammell.**
 - a) **Intermunicipal Cooperation & Consolidation – 2005 Onondaga Citizens League study.**
 - b) **HAVA.**
 - c) **Apulia Road property – flooding & ice buildup: Awaiting SEMO grant application.**
 - d) **Forest Tent Caterpillar aid request to Onondaga County & NYS: Awaiting response from Onondaga County or NYS.**

Supervisor Scammell said Assemblyman Brown responded regarding funding. He referred Supervisor Scammell to Cornell Cooperative Extension. They had a meeting a couple of weeks ago and a gentleman came down to talk about spraying for these. He thinks it was about \$20/acre. Once the caterpillar's come out, it's too late to spray.

A resident said he has a farm and had caterpillars all over. He found if you take a blow torch when they are tenting, you can control them.

Nancy Mueller said there are two types of the caterpillars.

Councilor Bailey asked if Supervisor Scammell had heard of any course of action from other towns.

Supervisor Scammell said no.

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).**

Supervisor Scammell said Marshall Taylor is looking into the Digital Towpath.

- 2) **Emergency Response (TB/BM).**
 - a) **AEDs (Defibrillators) (TB).**
 - b) **LFD exhaust vents – grants available?**
 - c) **OCSD services/local law enforcement contract.**
- 3) **Employee Policies & Benefits (MJ/SS/MD).**
- 4) **Environmental & Conservation Advisory Board.**
 - **Forest Tent Caterpillar & Gypsy Moth infestation.**
- 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. Deferred until later this year.**

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

Councilor Knapp said Fred Groth is aware the Board approved this and will be doing it shortly.

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

Councilor Knapp said the new thermostat is in at the Community Center. Fred Groth is going to stop by there to tweak it as no one was able to override the programmed schedule.

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

Councilor Knapp said at the last meeting the Board approved the heat tape for the Town Office Building. Fred Groth has the tape and will be doing it shortly.

e) Heat pump – repair casing, Upstate Temperature Control.

Supervisor Scammell said the heat pump may take a couple of weeks.

Leon Cook said he is going to get in touch with Suburban to tell them that when they put oil in the tank at the Community Center, they have to fill it full. He is trying to go by the deliveries every so many days. Sometimes it's 10 gallons/day and other days it's not. Tomorrow he is going to tell them when they fill it, they have to fill it full so he can figure out how much is being used.

Supervisor Scammell asked what the state contract is a gallon for heating oil. Leon Cook said almost \$1.50/gallon.

f) General office cleanup for Earth Day, 2005.

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

a) Bailey Park.

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

Supervisor Scammell will have this information for the next meeting.

2. Pavilion (YCIP, local estimates).

Councilor Knapp said Community Council met last week. They know what their budget is and they aren't going to go over the budget but this is an expensive time of the year for them. They just wanted everyone to realize what's going on.

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).

Mary Jo said the meeting scheduled for tomorrow night has been postponed until March 22nd.

9) School District liaisons (BM/PP).

- a) **LCS cofunding of assessment revaluations (BM).**

- b) **Tax exemption for disabled property owners (BM).**

Councilor McConnell said he has to follow-up on these two items and will do this tomorrow.

10) Senior Transportation & Housing (GS/BO).

- **Grant from Assemblyman Jeff Brown. Application submitted, awaiting payment.**

Supervisor Scammell said we are still waiting on the grant from Assemblyman Brown.

11) Service Awards (DK/BM/JS/GH).

- a) **LFD feedback.**

- b) **Amendment to Fire Service Award Program – November, 2005 ballot?**

John Harper said they had one correction to the list. They had one fireman who had one year overlooked. He submitted a letter signed by Chief Hoxie and Vice President Merikay Harper and Past Chief Phil Field verifying that Karl Field was and should be included in the Service Awards Program for the LFD from it's inception. He was not credited for the year 1996 and should have been. He also submitted a letter dated March 14, 2005 stating the correction and that the Service Awards list was posted for 30 days and signed by himself.

Councilor's Knapp moved and McConnell seconded the motion to amend the LaFayette Volunteer Fire Department Service Award List to add one year of service to Karl Field and to accept the list as amended. Motion passed unanimously.

John Harper asked if they have 3 brand new AED's. One is going in the medicar and one on each of the fire engines. They are also in the process of signing a lease for a defibrilator. The lease is a 3-year lease and at the end of the 3 years you pay \$1 and you own it. There is no interest. They have applied for a grant for a second one.

They have one more meeting to put a committee together. Hopefully by May 1 they will have something. They are looking for two full-time medics..

Supervisor Scammell said the discussion the Board has had so far is whether the person has to be a town employee to be covered on a town medical plan.

Councilor Knapp thinks Tom Chartrand is looking into this. He asked what their goal is for having these people start.

John Harper said the first Monday in May. If the membership gives the green light to it, they have two willing to come on board.

Councilor Bailey asked who is responsible for keeping the training current.

John Harper said they have a workbook from the state. They have to turn these books in on a monthly basis. Every 3 – 5 years they have to go to refreshing classes.

12) SOTS & OCRRA Liaison (DK/BM).

13) Water (GS/SS).

- a) **U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan complete, seeking nonfederal (NYSDEC) cosponsor for 33% share of \$7.2M.**

b) Village of East Syracuse Water District

Supervisor Scammell said the Village of East Syracuse would like to get their water from OCWA. In order to do this it means they would connect somewhere else (other than from Walburger Road) and OCWA would provide their service. For the LaFayette residents who live in this area, they are using a very old system that was built in the 1800's. OCWA needs a pursue of 70 pounds per square inch. They don't feel that the system could withstand that type of pressure. They would need to do it at a lower pressure. In order for that to happen, the Town of LaFayette would have to form a water district. There's a couple of ways this can happen. There will be a meeting possibly at the Jamesville DeWitt Elementary School where all the people on this line will be contacted and the status of this project will be discussed. This will possibly mean cash for many of the people. He's not sure they have a lot of options. Apparently the Village of East Syracuse has the authority to just stop servicing them. If that were to happen they would all have to drill wells. Due to the lot sizes, that may not be a practical solution for some of them. He would guess the meeting would be around the third week in April. At this meeting they will formally be informed and told what their options are. He doesn't know a lot of the answers.

A resident asked if a formal report had been prepared.

Supervisor Scammell said yes.

John Dunkle said the village infrastructure that serves the East Syracuse Village is O.K. OCWA isn't willing to take over lines for those resident's outside of the village. OCWA is stating the lines outside of the village need to be replaced. This is where the money comes in.

A resident asked if this was discussed earlier and if at that time it wasn't found out that a water district couldn't be formed as it would cost too much per household.

Councilor Knapp said yes, there is a state law which states it cannot cost more than \$500 per household.

John Dunkle believes it may have increased to \$700/household. What's missing in this whole thing is the operator. There would be no fire service provided off that line as the pressure is so low.

A resident said we are talking about the town line down.

John Dunkle said correct. From the town line to the source.

Supervisor Scammell said one thing we will have to determine is the boundaries of the water district if one is formed.

A resident asked if you have a well, would you still have to pay for the water district?

John Dunkle said once a water district is formed, each parcel in the district must pay for it whether they use the water or not.

Leon Cook thinks it would make sense to have the few homes near Walburger Rd. drill wells so they don't impact the folks on West Shore Manor, etc.

Tim Brayman asked if the folks on the Keough Track have their own wells.

Supervisor Scammell said they are in the Coye Rd. Water District.

A resident said another issue they have on West Shore Manor is that the Village of East Syracuse supplies water to a few meters along the railroad tracks and then to private residences.

Supervisor Scammell would guess at some point the infrastructure through there will have to be replaced and the folks in that district will have to absorb the cost.

John Dunkle said when they set up the meeting in April, they will invite everyone involved. He will present some budgets for a couple of options. One option would be to bond to replace the infrastructure over a period of time. Another option would be to set up a savings for this.

A resident felt some of these costs should be absorbed by the township.

John Dunkle said since this is an infrastructure that only benefits a few of the resident's, the town can't fund it.

Kyle LaTray asked if East Syracuse has advised when they will terminate their service.

Supervisor Scammell said they are advised they must terminate by June 1st. He believes they might get relief from this if they can show good faith effort in trying to solve the problem.

John Dunkle said East Syracuse wants to work with the town and residents on this. They could just walk away but choose not to.

Supervisor Scammell said we have researched this and can find no law indicating that the Village of East Syracuse is incorrect.

John Dunkle said there is a law stating they must supply water to their residents but not to those outside their village.

A resident asked if their properties are worth less because they don't have water on West Shore Manor. Shouldn't their taxes be reduced since the Town of LaFayette is washing their hands of this.

Supervisor Scammell said the Town of LaFayette is not washing their hands of it. Legally the Town of LaFayette can't bear the cost. The Coye Road Water District was in the same situation.

A resident asked if from a legal point of view, isn't it possible that the resident's affected by not having water have a legal argument about their assessment.

Another resident said the town isn't going to let them go without water.

Supervisor said the folks affected by the 1993 mudslide have no recourse. They are still getting bottled water. It's an awkward spot.

Kyle LaTray asked if OCWA is aware of how that infrastructure is.

Supervisor Scammell believes they are aware of all the little things that no one talks about.

John Dunkle said that is why they are reluctant to take it over.

Supervisor Scammell said that is why they have talked about stepping the pressure down.

Bob Shute said it might be worthwhile for the residents to consider not drinking the mercury and other poison coming from Lake Ontario or wherever OCWA brings the water in from.

Supervisor Scammell would presume the water OCWA provides meets all the environmental standards.

Kevin Gilligan said OCWA is not going to take over the system. They will provide water to the system that if we create a district the district will own and have to take care of any repairs to the system.

John Dunkle said OCWA has said they will enter into an operational contract with the residents.

Bob Shute asked if everyone in the Town of LaFayette, even if they have their own well, doesn't still pay some portion of their taxes for water.

Supervisor Scammell said all of us have a little OCWA charge on our tax bills. What you get for that charge is to be able to drive into the City of Syracuse and get the usage of water.

Leon Cook said when they have the meeting, it should be noted that someone has to pay for the reducing valve and the pit.

John Dunkle said the district would have to pay for these. The Health Dept. will no longer allow any unfiltered water to be used to supply a water system.

Kyle LaTray asked how they will notify each of their customers.

Supervisor Scammell said a mailing will be sent from the Town of LaFayette. It will be a public meeting.

John Dunkle asked them to notify their neighbors.

A resident asked if they could send a letter to the Jamesville Reservoir Preservation Association.

Tim Brayman asked where Onondaga County Park gets its water.

Supervisor Scammell said they are a customer just like the residents in the area and are n the same spot.

- **Meeting with Village of East Syracuse and affected residents.**

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

14) Zoning Review (GS).

a) Simple/small subdivision Guidelines – Under Review.

1. Cul de sacs. ???.

Supervisor Scammell said there are two applications before the Planning Board now. One is the Jamesville Grove property and the other is Lynn Hutton.

Kyle LaTray said on of the biggest things they fought on the Grove subdivision is the size of the cul de sac that was proposed which was 1200'. The Planning Board wanted them to revise their proposal so it didn't include a cul de sac. This has come up again as they want to move forward on the portion of land that has SHPO approval. Currently they are proposing a hammerhead which they stated if they continue to develop the remaining portion of land, it will become a loop road. This is a big item for them and they would like the length to remain the way it is on the books now. They have a problem with the traffic patterns, fire vehicles, school buses, snow removal, etc. You are talking about a dead-end road.

A resident said this will become a liability for the town as it will be owned and maintained by the town.

Supervisor Scammell believes we allow room for emergency vehicles and snow removal on all our existing cul de sacs.

Tim Brayman believes this goes back to the zoning laws. They are trying to avoid mistakes of the past where dead-end roads occurred because developers never finished their developments. He believes if the law is on the books, he can't see any reason to change it to allow unlimited length of cul de sacs. This would allow for a lot more density in the future.

Nancy Mueller said any time she has worked on matters like this, it has always been up to the fire departments who usually say they want a manner of ingress and egress.

Councilor Knapp said the fire dept. was notified about this and they just wanted to be sure their vehicles could get in and have room for a couple of them to be able to park. They didn't take a position on the length but wanted to be sure that the end of the road was big enough for them to turn around.

A resident said you have a rule on the books which you want to change to something else. What's to stop money from getting it changed to another length?

Councilor McConnell said we do have other roads/cul de sacs in the town longer than this.

Leon Cook said this is true. We don't have any problem plowing or removing snow on these cul de sacs. The thing he would like to see is if there is 5 houses on a cul de sac, he would like all the mailboxes in one location. We still have to have growth in LaFayette. The lay of the land makes it impossible to run a road to connect to another road due to the hills, etc. If you don't allow cul de sacs or hammerheads, you will be stopping development.

A resident asked if it isn't easier to remove snow from a 500' cul de sac than a 1,000' one.

Leon Cook said no. It's just like a regular road.

A resident asked where you put the snow.

Leon Cook said between the driveways. You can look at the cul de sac's we have now. All the cul de sac's now have a 50' radius. We have enough room to put the snow off the paved area and onto the right-of-way.

Tim Brayman asked how many roads they plow on that side of the town.

Leon Cook said they don't have to do Route 91.

Tim Brayman said this would be the only cul de sac the town would have to do on Route 91.

Leon Cook said the Highway Dept. stores sand over at the county shop so they have to go over there with the trucks and it wouldn't be much for them to run up there.

Councilor Knapp said the Planning Board asked for a little more flexibility so they can decide on individual cases what it should be depending on the lay of the land, etc.

A resident asked if this wouldn't open the door for all kinds of law suits.

Councilor Knapp said the Planning Board must back up their decision with a good case based on topography, etc.

A resident asked what the reason is for changing this.

Supervisor Scammell believes it's because we have several cul de sacs or dead-end roads that greatly exceed the ordinance now. Some of these precede the ordinance.

A resident said basically you are going to compound the issue and cover past mistakes.

Supervisor Scammell said no. This Board must assess whatever the number is now to decide if it's a reasonable number. He thinks this number may be one from an engineering standard at some time.

A resident said they are not fighting the loop road but they are fighting the applicant putting in a hammerhead on a dead-end road that exceeds 500'.

A resident said the reason for a cul de sac is to maximize your property as you can get more houses in there.

Tim Brayman said his house was built years ago on a very small lot which wouldn't be allowed today. We have the variance process. His house couldn't be built today on the lot he has without a variance. Why couldn't a variance be obtained if a road needs to exceed the 500'?

A resident said this is a beautiful rural countryside and she doesn't think anyone who lives here would choose to live in Cicero or Liverpool where everything can connect.

Kyle LaTray said if the law is on the books and we have a variance process, why do you need to change the language on the books? Why eliminate the rule when you have a process to vary the rule?

Councilor Knapp said the Board has to look at the whole town and come up with a basis. This Board is definitely not doing something because of one development in one part of the town.

A resident asked why this county passively assumes growth is good.

Supervisor Scammell thinks you can think about where you would prefer growth to be or not to be. If someone owns a piece of property, they have certain rights to develop that property or subdivide it.

Kyle LaTray asked how often this actually becomes an issue for the Planning Board.

A resident said there are only two on the books right now.

Kyle LaTray said if it's something that comes up twice a year, why are you looking to change the language?

A resident said plus you have another way to change it through a variance.

Supervisor Scammell asked if the Planning Board has the right to waive this.

Kevin Gilligan said the Planning Board can grant a waiver and the Zoning Board of Appeals has the power to grant a variance.

A resident said when the applicant requested a variance, everyone was opposed to granting it. We have the process in place, why change it for the benefit of this one instance.

Supervisor Scammell said some of these developments come out to somewhere. If they all became dead-end roads, the land may never be able to be developed further. This is not an easy decision.

A resident said the plan could be changed to include a loop road. The applicant chooses not to do this so they can get more houses in.

Kyle LaTray said they have attended several Planning Board Meetings where it was clearly stated the cul de sac couldn't be that long. Now it seems they are asking for flexibility. They have ultimate flexibility where they could waive this regulation any time.

Supervisor Scammell asked if they choose to waive this, are there standards they must follow?

Kevin Gilligan said a waiver is supposed to have some reason for granting it. As long as they could articulate one, it would probably be upheld.

John Dunkle believes the Planning Board might be requesting this if they are receiving a lot of requests for waivers.

A resident asked what a large number is. If it's once or twice a year, why change it?

John Dunkle said from the Planning Board's perspective, they have had 3 of these cases within the past year. Regarding the Grove, if the cul de sac is approved by the Planning Board, there will be 8 lots on it and that is it. If they continue their development, they must continue the loop road.

A resident asked if the Board is looking at eliminating the length all together or making it larger.

A resident said if this is totally done away with, it makes the land a lot more accessible for a lot more developments.

Councilor McConnell said the way this came to this Board is from the Planning Board because of the Summerridge developer and what he wanted to do with that particular area and to cease building any further. The Planning Board asked the Town Board for guidance because of this situation.

A resident said he understands there is a need for future growth but by eliminating this, you would allow anyone to put a road in to get to any parcel of land.

A resident suggested we wait a little bit longer to see if this becomes a problem before we change it.

Kevin Gilligan said there are towns around Central New York that are made up almost exclusively of cul de sacs.

A resident said the original plan to develop the Grove was 2 cul de sacs which they advised were to maximize the number of homes they could build on that parcel.

A resident asked at what point this body is willing to take on the additional liability of maintaining it more than 500'.

A resident believes there would be extra costs for plowing and maintaining the extra length of a cul de sac beyond 500'.

Councilor Knapp believes to maintain a loop would be more costly than to maintain the extra footage of a cul de sac.

Kyle LaTray said you have a law on the books that allows people to speak up if they are opposed to something. If you change that law, you are taking the system of allowing people to voice their concerns or opposition away.

Councilor McConnell would agree with this.

Kyle LaTray said he doesn't see a reason to change it. There's no grand reason to change it.

Councilor Knapp said this Board hasn't decided to change it yet either.

Councilor McConnell said actually the discussion has been going on for 4 months.

Supervisor Scammell said if there were a grand reason, it would be because another number makes more sense for some reason.

John Dunkle said there is no specific number or a justification of a number from a traffic engineering standpoint. Rather than specific lengths, maybe the Board would like to look into the density they might allow on that length.

Councilor McConnell said their proposal earlier suggested 3 acres parcels which would limit development on a given road.

A resident said their concern isn't just for their own little corner of LaFayette. LaFayette in general is where they live. None of them want to live in a Cicero. They are not fighting just for their little corner of the world.

Councilor Knapp said they don't realize how hard the Board gets hammered for not allowing things to develop in LaFayette.

A resident said another interesting thing about LaFayette is that it's one of the last corridors undeveloped outside of Syracuse. If you go in any other direction out of Syracuse, there is rapid development. He thinks if you do something like this with cul de sac's, the Planning Board might be buried by these requests.

A resident said by keeping this on the books, if they waive it, they can still have the opportunity to speak at a public hearing.

Supervisor Scammell advised the Board will not be acting on this tonight as the Board would like to think about what the resident's have said this evening.

Kyle LaTray asked if the Town Board had any questions for the resident's. He asked if there would be a public hearing on cul de sac's if the Board was going to change the length.

Supervisor Scammell said yes.

- 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.**

9. 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: Public hearing.

The following resolution was offered by Councilor Knapp, who moved its adoption, seconded by Councilor Smith, to wit;

WHEREAS, AN APPLICATION HAS BEEN DULY MADE TO THE Town Board of the Town of LaFayette, Onondaga County, New York, by Time Warner Entertainment-Advance/Newhouse Partnership, a New York general partnership organized and existing under the laws of the State of New York d/b/a/ Time Warner Cable whose principal place of business is located at 6005 Fair Lakes Road, East Syracuse, New York 13057, and holder of a cable television franchise for an additional ten (0) years commencing upon approval 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, a public haring was held at the Town Hall, LaFayette, New York on March 14, 2005, at 6:30 p.m. with notice of the hearing duly published prior thereto.

NOW, THEREFORE, the Town Board of the Town of LaFayette finds that:

- 1) **Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and**
- 2) **The quality of Time Warner Cable's service, including signal quality, response to customer complaints and billing practices has been reasonable in light of Community needs; and**
- 3) **Time Warner Cable has the financial, legal and technical ability to provide the services, facilities and equipment as set forth in its proposal attached; and**

- 4) **Time Warner Cable can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; therefore**

BE IT RESOLVED that the Town Board of the Town of LaFayette hereby renews the cable television franchise of Time Warner Cable in the Town of LaFayette for ten (10) years commencing upon approval by the New York State Public Service Commission; and

BE IT RESOLVED that the Town Board of the Town of LaFayette hereby confirms that this Franchise Renewal Agreement replaces the original franchise granted and all amendments thereto.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote which resulted as follows:

Gregory Scammell	Supervisor	Voting	Yes
Sandra Smith	Councilor	Voting	Yes
David Knapp	Councilor	Voting	Yes
Thomas Bailey	Councilor	Voting	Yes
William McConnell	Councilor	Voting	Yes

The foregoing was thereby declared adopted.

Supervisor Scammell asked the status of the Onondaga Nation Land Claim.

Kevin Gilligan said he is trying to get a copy of the filing. As he understands it, none of the towns have been named. The issues that affect us are still in play.

10. 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.**

Supervisor Scammell said we have contacted 3 different company's looking for proposals.

Kevin Gilligan said we have been having so much trouble with the Clough Harbor Consultant that we are looking to find some assistance.

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

C. FOCUS 2010 - Strategic Plan survey.

Councilor McConnell said they will be meeting Wednesday for their first get together.

D. Assessors: 2006 Town-wide property revaluation.

E. Pictometry (HD vs. LD) – deferred until 2006 budget.

F. SPDES, Phase II.

1) Manuals sent to TB, CE, TC, PB, ZBA, E&CAB.

2) Time & expense log (J. Dunkle letter).

Kevin Gilligan said at some point we will have to start looking at the adoption of the legislation.

G. Surplus equipment list for Earth Day, 2005.

1) Town Historian computer.

2) Town offices (individual & general area), highway garage and community center.

H. LFD Medic benefits.

Kevin Gilligan said the Board must keep in mind that they are not town employees and he doesn't know if they could be allowed on the town insurance.

I. Hugs not drugs – candy machine.

The Board was not interested in this.

Supervisor Scammell will contact the group with the Board's decision.

J. Insurance policy – LCC review.

Councilor Knapp said the gentleman in Community Council is still reviewing this. He doesn't think they are looking to make any changes but just to see what is covered and what isn't.

Supervisor Scammell said he's not sure when the policy expires.

Councilor Knapp said he would go ahead and renew it. They are just looking to familiarize themselves with what it covers.

Councilor's Knapp moved and McConnell seconded the motion to authorize the Supervisor to sign the insurance contract with Reagan Agency renewing the town's insurance. Motion passed unanimously.

K. Other.

Councilor's Knapp moved and McConnell seconded the motion to accept the listing of the 2004 Members of the LaFayette Fire Dept. eligible for the Service Award Program and to authorize the Supervisor to sign the form authorizing Penflex, Inc. to use the data herein submitted about active volunteer firefighter Service Award Program 2004 records. Motion passed unanimously.

10. NEW BUSINESS.

A. Other.

Councilor Knapp said he has received several calls from tenants in Festival Gardens. There is an individual there who is smoking in the hallways and smoking in his apartment with the door open and blowing the smoke out into the hallway.

Councilor McConnell said he received a call about this too.

Councilor Knapp talked to Kevin Gilligan about this and he recommended starting with the County Health Dept. Apparently there is a person on site now who is an employee who is covered by the Second-Hand Smoke Law. This employee is not willing to do anything about it. He is going to talk to this guy before he calls the Health Dept. The tenants are extremely happy because the heavy illegal activities have ceased.

Kevin Gilligan said maybe they would like to call Jim Sulesky about this.

Councilor McConnell will give him a call.

B. Suggestions for improvement & positive contributions.

11. Councilmen McConnell moved and Smith seconded the motion to audit and pay the following bills:

GENERAL FUND	# 2955 – 2982, 2989
HIGHWAY FUND	# 2941 – 2954
SPECIAL DISTRICT FUND	# 2984
TRUST & AGENCY FUND	# 2985 – 2988

Motion passed unanimously.

Bob Shute said he followed up on Councilor Knapp’s recommendation to see what he could work out with Jack Sutton. Jack Sutton appeared in court for the Code Officer and he had a very productive meeting with him. He was very willing to communicate with Bob. Bob told him he would pursue mediation and Jack Sutton thought that was a good idea.

Councilor McConnell said he has given this update several times.

Bob Shute said yes but the mediator, who is an attorney, would like to hear a response back giving a date for mediation to occur.

Councilor McConnell said this is up to the court.

Bob Shute said it’s up to the Code Enforcement Officer. The judge said if this is solved by mediation to let her know. She stated she is not going to demand or order mediation but if the matter is resolved by mediation, to contact her before the court appearance date. Jack Sutton said it seemed mediation would be a good idea.

Councilor Knapp asked who pays for the mediation.

Bob Shute said she is a lawyer from Cortland and it is totally free. We need to set a date.

Kevin Gilligan said this is not up to this Board. It is up to the Code Enforcement Officer or the Court. It doesn’t have anything to do with this Board.

Bob Shute said except that the Code Enforcement Officer acts on behalf of the Town Board.

Supervisor Scammell said he assumes Bob Shute has discussed all of this with Judge Perrin.

Bob Shute said his attorney will contact Judge Perrin.

Supervisor Scammell said this will be the last statement he makes on this topic. He assumes Judge Perrin is aware of this.

Bob Shute said Judge Perrin received a copy of the letter.

12. Executive session (as needed).

13. Councilor’s Knapp moved and Smith seconded the motion to adjourn. Motion passed unanimously.

The Town Board Meeting adjourned at 10:29 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk