

Minutes of the Town Board Meeting held by the LaFayette Town Board on March 28, 2005 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 6:30 p.m.

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: Leon Cook, Highway Superintendent  
Ralph Lamson, CEO  
Kevin Gilligan, Town Attorney  
Tom Chartrand, Bookkeeper  
Marshall Taylor, Assessor/Clerk  
Pete Paul, Dep. Supervisor  
Sheila Harrington, JRPA  
Katie Bolsei, JRPA  
Paula Naselli, JRPA  
Bonnie Seemann, JRPA  
Sue Marzo, Summerridge  
Joe Marzo, Summerridge  
Steve Chase, JRPA  
Jane Praetorius, JRPA

1. Supervisor Scammell called the meeting to order at 6:35 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to our U. S. Flag led by Town Councilor Tom Bailey.
4. **Councilor's McConnell moved and Knapp seconded the motion to accept the March 14 Regular Meeting & Public Hearing Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **Public Hearings - None.**
6. **COMMUNICATIONS:**

**A. Residents.**

Marshall Taylor said there is a man dismantling vehicles near his home. Supervisor Scammell asked if it's right at the Y in the road.

Marshall Taylor said yes.

Ralph Lamson asked what the address is.

Marshall Taylor said it's the Thorpes residence. He wanted to know if this is allowed.

Supervisor Scammell asked how he knew vehicles were being dismantled there.

Marshall Taylor said because he's hauling stuff in there, dismantling it and then removing it.

Councilor Knapp thinks he is doing scrap steel.

Councilor McConnell asked Ralph Lamson if he will take this information and start the process of looking into it.

Ralph Lamson said yes.

**B. Syracuse Post-Standard, 3.10.05: January job market report.**

“The area gained 3,200 jobs in January compared with the same month last year, the state Department of Labor said. It represented a 1 percent increase...Unemployment in the area rose to 5.7 percent in January from 5.3 percent in December. But the January rate was a full percentage point below jobless rate in January 2004-6.7 percent...an economist with the Labor Department said the job gains all came from the private sector...Leading the way were professional and business services; private education and health services; leisure and hospitality companies; and the trade, transportation and utilities sector...The Syracuse area unemployment rate in January was slightly above the state jobless rate, 5.6 percent, but the same as the nation's rate.

**C. Onondaga County Volunteer Fireman's Association: annual fundraising campaign.**

“The Onondaga County Volunteer Firemen's Association has started their annual fundraising campaign. Our purpose of the Association is to unite Volunteer Firefighters throughout Onondaga and adjoining counties, to maintain a compact representation and centralized agency to consider, agree on and act in unison upon matters relating to the prevention and fighting of fires. To help accomplish these goals O.C.V.F.A. has sponsored seminars, firefighting courses and hands on training. The Association has brought in nationally renowned speakers and has worked with local, regional, and statewide organizations concerning legislation. We were able to purchase a towing vehicle for our 'Public Education Trailer' that was viewed by over 45,000 people in the past year. We gave out two scholarships to area graduates that have volunteered within their communities. Your donation to O.C.V.F.A. will continue to help us promote our programs that benefit our communities. If you would like to advertise in our annual journal, please submit your ad along with your donation...”

Supervisor Scammell asked if this is something we can do.

Tom Chartrand said if the Board wanted to put an ad in their paper they could but the Board could not donate directly to the organization.

Supervisor Scammell asked Ralph Lamson if he knew anything about this organization.

Ralph Lamson said it's all the volunteer departments in the county and they get together one weekend in the summer and have a convention.

Leon Cook said they usually hold it in Syracuse but this year the state convention will

be in Lake George.

Supervisor Scammell asked Pete Paul if he knew anything about it.

Pete Paul thinks it's the county level versus the state level.

Supervisor Scammell asked if there was any interest in this. There was none.

**D. Empire State Development (NYS Assemblyman Jeff Brown): town grant approved (2).**

“This communication is to inform you that the final payment for the above referred grant project has been approved by the Empire State Development Corporation and \$1,785.71 is now in the process of being paid to the Town of LaFayette...”

**E. Onondaga County Department of Personnel: payroll certification.**

“We have certified your payroll for the period ending January 1, 2005, in accordance with Section 100 of Civil Service Law through December 31, 2005 with the following exceptions: 1) Position #2800-022 – Albert Miller, Bingo Inspector – on roster; not on payroll. 2) Position # 2802-009 – Leon M. Cook, Laborer – on roster; not on payroll....”

Tom Chartrand said he has taken care of this with a letter to them.

**F. Onondaga County Supervisors Association President Robert DeMore: Snow contract.**

“At our monthly luncheon meeting on March 15<sup>th</sup>, 12 Town Supervisors and 1 Town Highway Superintendent who were present at the meeting, voted in favor of the following proposal in response to the County's most recent offer for a new Snowplow Agreement:

- 1) The base price for the coming winter would be \$5,500 per mile.
- 2) That the base price would be adjusted upwards each year by three percent (3%).
- 3) There would be no adjustment for fuel oil &/or salt increases.
- 4) The contract would run for three (3) years.

I attach a copy of a Resolution passed by the Towns of Marcellus and Salina. Salina has forwarded their Resolution onto the County Executive's Office and we should all do that if our Boards agree with the proposal. We also agreed that this proposal should be in a form of a Resolution by the Town Boards. The tentative meeting for the Emergency Management Session will be on April 5<sup>th</sup> and 6<sup>th</sup> at 10:00 a.m. at the Solvay Fire Department....”

Supervisor Scammell said Otisco, Skaneateles, Van Buren, Salina and Marcellus have all passed this.

Tom Chartrand said since the letter, Fabius has passed it too.

Supervisor Scammell asked the rate now.

Leon Cook said \$4,300/mile.

Supervisor Scammell said it's quite a jump from \$4,300 to \$5,500.

Councilor Knapp asked if the county has made a proposal.

Tom Chartrand said about 1 ½ months ago the county sent out one for \$4,800/mile for a 5-year contract stating the responsibilities of the town and county.

Councilor Knapp asked what he thought of that proposal.

Tom Chartrand felt it was a poorly written contract.

Councilor Knapp noted there are no fuel or salt adjustments in this one.

Councilor McConnell asked Leon Cook what he thought of this proposal.

Leon Cook thinks this \$5,500 and 3% every year after is about what we are looking for. Most everybody claimed that is what it costs them.

Councilor McConnell asked with fuel prices the way they are, why was this included?

Leon Cook said the county had said anything over a 20% increase, they would compensate you for so you weren't going to be getting anything anyway. You would also have to keep records of the fuel, etc.

Tom Chartrand said they took a 3% adjustment from the last time the contract was really looked at in the 80's and came up with the \$5,500 seeming to be fair.

Supervisor Scammell asked the price of fuel this winter compared to last winter.

Leon Cook said the price of fuel now is almost 50 cents/gal. more.

Tom Chartrand told him they just got a price of \$1.79.

Leon Cook said it's doubled from 2 ½ years ago. Who knows what is going to happen. He's looking for the barrel price to go back down as soon as spring comes.

Councilor Bailey asked if a 3-year contract is a typical lifespan of a contract.

Tom Chartrand said you can't enter into a contract for any longer than 5 years.

Leon Cook said the county would like to get a contract for about 3 years so they don't have to negotiate it every year.

Councilor Knapp said and it allows them to budget too.

Leon Cook asked if the Board has to send something in if they agree with this.

Supervisor Scammell said yes.

Leon Cook thinks we should be alright with the \$5,500.

Supervisor Scammell doesn't think there have been any negotiations on this with the county.

Leon Cook said they usually talk about it at the Highway Superintendent's Meeting. The county usually has 5-8 people come to the meetings. At their March meeting they were going to discuss the snow contract and nobody showed up from the county.

Tom Chartrand thinks another reason for wanting a resolution from the Board is because the Supervisor's Association isn't really a Board and doesn't really get anywhere when they suggest something like this to the county.

Councilor Knapp believes this shows solidarity amongst the towns.

Pete Paul asked if this only discussed the increase in costs or the whole contract.

Supervisor Scammell believes it's the whole contract.

Pete Paul asked if there wasn't something about termination in there that was a concern.

Leon Cook said they have already taken that out of the contract.

**Councilor's Knapp moved and McConnell seconded the motion that the Town Board of the Town of LaFayette resolves that they are willing to accept a contract with the County of Onondaga for snow plowing of County roads with the following conditions:**

- **Contract for three years.**
- **Starting at \$5,500 for the first year**
- **3% escalation clause for each successive year.**
- **No adjustment for salt or fuel.**

**Motion passed unanimously.**

**G. Onondaga County Health Department: 2005 Rabies Vaccination Clinics (2).**

Supervisor Scammell noted the closest clinics will be held at Meachem Rink on April 4<sup>th</sup> and at Tully Fire Dept. on June 20<sup>th</sup>

**H. Pitney Bowes: DM400 Series Digital Mailing System.**

“...I have recommended to Mary Jo that the town, retire the machine they are currently operating, and move into the new, updated technology that Pitney Bowes Inc. has put out; the new DMtm series machines are digital and fully compliant with all of the USPS regulations in regards to the meter migration currently in effect...”

Supervisor Scammell reviewed the current situation and the features of the new machine being proposed.

Mary Jo said the representative said this newer model would cost us just about what we are paying for the current postage machine which is \$145/month.

Tom Chartrand said that sounds about right.

Mary Jo would recommend going with the 10# scale for a price of \$149/month.

**Councilor’s Bailey moved and Knapp seconded the motion to lease the DM400 Pitney Bowes Postage Machine with the 10# scale for a cost of \$149/month for 51 months. Motion passed unanimously.**

**I. John Dunkle, Dunn & Sgromo Engineering: SPDES summer intern request to CNYRPDB.**

“Thank you for calling regarding the Town of LaFayette’s outfall mapping process. We have completed a preliminary field inventory of all the Town drainage facilities, and have enclosed copies of the areas in the SUA. A few culverts and roadside ditches discharge directly to the waters of the U.S. There are also two private trailer parks within the SUA that have not been investigated.

We would like to request the CNYRPDB consider providing the Town of LaFayette with summer intern assistance in documenting and mapping these facilities in accordance with DEC requirements...”

**J. Other.**

7. **SPECIAL REPORT: None.**

8. **REPORTS:**

**A. DEPARTMENTAL (4<sup>th</sup> 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.**

Supervisor Scammell noted Mr. May is due in court this Wednesday.

Councilor Knapp said he discussed this with the court and was advised the court is planning on pursuing enforcement. There was an assumption that an appeal was done which wasn't. Even though they are appealing it now, the court can still go forward.

Councilor Bailey asked if there had been any attempt at all to remove the trailer. The residents said it's still there and there hasn't been any attempt to remove it.

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

- **2005 NYS Ag & Markets – injured dogs.**

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

- **2005-2010 Snowplow Agreement.**

Leon Cook said for February and March through today, they have taken 43 trips around the town. They have had to go around three times on some days. Sometimes the road would get slippery awfully quickly. The closest he can estimate from February to now is that they used 2,541 ton of sand mixed three to one mix. They will have enough sand but not much left over this year. They had one truck get stuck on Berry Road. He has to see if he can get the county to do something about the steep drop-off from the pavement up there. They took the loader up and got the truck out. Thursday, they had between 4 and 7 inches of snow in different parts of the town. Truck 6 came off Webb Rd. and was backing up from Norman Drive to clean out the intersection when it started to slide and went into the ditch. They got it out with the loader too. They had 2 wheels that kept sliding on truck 6. This has been taken care of. Other than that, everything went pretty good except on March 1st at about 8:00 p.m. He got a call from the county and they said the Sheriff's Dept. had a car on Dodge Rd. in the ditch. A tow truck that came to tow the car out was also in the ditch and they needed a sander down there. He went to sand it and stopped at the top of the hill first. It looked O.K. to go down. He sanded heavily as he went down the road. Mr. Bush was coming up the hill and he slid over against the Sheriff's car. Everything was going good until he got to where Mr. Bush and the Sheriff's car were and then he started to slide. His truck made a slit on Mr. Bush's vehicle. They made out a report and he called it in to the insurance company the next day. He found out from the insurance company that if the town is out sanding or plowing, they are not liable under NYS Law. Dodge and Coye Roads are the worst roads.

He went through the overtime for the winter of 2003-2004 compared to 2004-2005. Although they have gone around a lot more trips this year, they have a lot less overtime.

Most of the work came out to be on straight time.

He's getting the price on one 10 wheeler on state bid. He is going to trade the '90 International in. It's starting to nickel and dime us and it's a good time to get rid of it. The loader is a '91. We have gotten a lot of hours on it. These are two items he wants to get into the budget next year.

Councilor Knapp asked if he is looking to buy or lease.

Leon Cook said he would lease the truck.

Supervisor Scammell said he received a call from a resident at 5135 Otisco Rd. who is concerned about the road eroding away near his house. He is concerned the water is eroding the road around the pipe.

Leon Cook said that is a county road so he will contact them to let them know about it.

Supervisor Scammell said he and Leon met about the radio frequency. They had indicated they met with the school who has said they are O.K. with it now as they have addressed the school's concerns.

Leon Cook said he will see Danny Sawkins tomorrow and can check it out with him. He said Fabius is going along with this. It's not a sure thing right now that they will take it over. They are looking for an O.K. to explore how it would work for them. There are several other frequencies they are checking into too. They are applying for a big grant to make this work. If they don't get the grant, it won't work.

Councilor Knapp would like to be sure they don't take it over and then maybe not have room for us on it.

Leon Cook said they said if this frequency is exactly what they want and if a problem arises, they will absorb the cost to set the town up with a whole new system.

Councilor Knapp asked if the bus garage is O.K. with this.

Leon Cook said after Dan Sawkins got done talking to them, he said he was O.K. with it.

Councilor Bailey said from what he understands this is a part of Homeland Security. They are pushing for each county to have an OCICS system in case of an emergency. It is to allow cross communications throughout the state in case of an emergency. He thinks for the benefit of the town, we should reserve the right to have an ultimatum so it doesn't interfere with the Highway Dept. or school transportation communications.

Kevin Gilligan said what they said sounds reasonable but he doesn't see it anywhere in the agreement they submitted. He would indicate that the agreement should be better written.

Supervisor Scammell said if we are not sure what the agreement says, we shouldn't sign it. We can contact them and ask them to submit a new agreement which is clearer or we can ask Charles Gabriel to come to our next meeting to discuss this.

Councilor Bailey would like that as he has some questions.

Supervisor Scammell will contact Charles Gabriel to see if he or a representative of the group can attend our next meeting.

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

- **Copier – installation.**

Supervisor Scammell said this has changed from the last contract the Board approved. He thinks this one is less than what the Board approved before. This one is

for \$69.50 a month and the one the Board approved was \$73.81 a month.

**Councilor's Knapp moved and McConnell seconded the motion to authorize the Supervisor to sign the copier contract for the Justice Department in the amount of \$69.50 per month. Motion passed unanimously.**

It was noted this copier is the same machine as the one previously approved.

- **February Report.**

A written report was submitted.

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

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

A written report was submitted for February.

Councilor McConnell said he attended the CPR Course and it was outstanding.

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

- **February Report.**

A written report was submitted.

**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.**

e) **February Report.**

A written report was submitted.

**B. Committee (2<sup>nd</sup> Monday).**

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

a) **Town Website & email (new email(s) – code enforcement) - 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.**

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

**4) Environmental & Conservation Advisory Board.**

- **Forest Tent Caterpillar & Gypsy Moth infestation – funding sources/grant(s) sought.**

Supervisor Scammell said he is still waiting for responses. He did hear back from Assemblyman Brown.

Councilor Bailey said there is no guarantee the first application will be 100% effective.

Supervisor Scammell believes we may be sending out mailers to those property owners involved.

Marshall Taylor asked how you will separate the people out who don't want their property sprayed.

Councilor Knapp said we will just be sending out a notice to the property owners involved telling them who they can contact if they would like their property sprayed.

**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 (completed).**

**c) Town offices – temperature controls (Upstate Temperature Controls proposal).**

Supervisor Scammell said the temperature controls at the town offices run about \$190/unit.

Councilor Knapp asked if the building is set up so we can have zones like this.

Supervisor Scammell said yes in the sense that we have thermostats in the Meeting Room, Town Offices, etc.

Councilor Knapp said the one at the Community Center seems to work well now. He knows Fred Groth went back and worked on it a little.

**Councilor's Knapp moved and Smith seconded the motion to purchase units from Upstate Temperature Control for less than \$200 per unit. Motion passed unanimously.**

Supervisor Scammell will follow-up on this.

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

Councilor Knapp said since ice isn't a problem right now, Fred Groth would like to wait until a warm day to do the heat tape installation.

**e) Heat pump – repair casing/condenser motor (Upstate Temperature Control).**

Supervisor Scammell said this has been repaired.

**f) General office cleanup for Earth Day, 2005.**

**g) Water.**

Mary Jo said Scott Shute advised the water is O.K. and the signs can be taken down that say not to drink the water. He would recommend installing a smaller tub for the

chlorine as the one we have now is so big the chlorine sits too long and loses its strength as we don't use enough water in the building. He said it would be under \$200 for the smaller tub and the installation of it.

**Councilor's McConnell moved and Knapp seconded the motion to purchase a smaller tub and install it to hold the chlorine for the water system at the LaFayette Commons Office Building for \$200 or less. Motion passed unanimously.**

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

**a) Bailey Park.**

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

Councilor Knapp said for Stafford Park he will meet with Jerry Marzo who oversees it and he can recommend how many are needed.

Councilor McConnell asked if we will be checking out the estimates for the pavilion for Bailey Park and the fields by the LaFayette Inn.

The Board was in agreement to review estimates.

Councilor McConnell will check on this and talk to Jerry Marzo about it. He will get an email out to the Board this week.

**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).**

Councilor Smith said they have discussed the smoke detectors at their Safety Meetings for the LaFayette Commons Office Building and the Community Center.

**Councilor's Knapp moved and McConnell seconded the motion to purchase 20 battery operated smoke detectors for the LaFayette Commons Office Building and the Community Center. Motion passed unanimously.**

**9) School District liaisons (BM/PP).**

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

- **Grant from Assemblyman Jeff Brown. Application submitted, awaiting payment.**
- **Transportation options (PP/GS).**

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

**a) LFD feedback.**

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

**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.**

Supervisor Scammell said regarding the Jamesville Reservoir, he had a conference call with Assemblyman Brown and the Regional Director of the DEC and they will be providing some information on this. They will be getting back to him regarding what they mean by the 33% of the 7.2 million. He doesn't know if it's volunteer hours, etc.

**b) Village of East Syracuse Water District**

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

Supervisor Scammell believes the date it will terminate is June 18th. He plans on having a public meeting with those people sometime during the third week in April about this and to discuss what can be done in the future.

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

**14) Zoning Review (GS).**

**a) Jamesville Reservoir Preservation District/JRPA change request proposals.**

- **Boundary map.**
- **Lot size – 3 acres.**
- **Housing to include permanent basements.**
- **Height & lighting within current parameters.**
- **No cul-de-sacs.**
- **No public access to Jamesville Reservoir.**
- **Boat compliance – speed & noise parameters.**
- **Grant opportunities.**

Supervisor Scammell said he had Marshall Taylor create a map of the area that was discussed. He received a letter from Ralph Lamson on this which states:

“I would like to discuss my reasons why a new zoning classification not be set up around the Jamesville Reservoir. The lot size of 60,000 square feet was decided on a few year years ago after input from a wide range of people. Town Boards, Code Enforcement, Developers and town residents all had input in this matter. To change the lot size to a three-acre parcel would make over 75 lots around the Reservoir nonconforming. One reason for our Zoning Ordinance is to limit nonconforming uses and lot sizes. This new lot size would be in direct conflict with the intentions of the Zoning Ordinance. There are only two lots on the reservoir besides Mr. Cohens (who is

in front of the Planning Board) that would be able to subdivide. This new zone would be put into place to limit two land owners on the reservoir and a few parcels on the east side of Route 91 that have no affect on the reservoir.

The requirement of a permanent basement is not a zoning issue, but a Building Codes one and goes against the new State Building Code. The state has gone to the new code (with a lot of time and energy) to allow people to have more flexibility in the way they build their houses. Any local law that is more restrictive would come under serious scrutiny by the state.

The Town Board is reviewing the cul-de-sac issue at this time. The elimination of a cul-de-sac in any zoning district would limit many parcels in their development due to the topography of the Town of LaFayette. This issue should not be eliminated or controlled by a certain distance, but left up to the control of the Planning Board. Trying to put boat compliance under zoning is not a viable option. Code Enforcement is not a Peace Officer and would have no viable means to enforce such a thing.

The Jamesville Reservoir would actually be helped by more subdivision in the area rather than harmed. The Planning Board oversees that the Developer has met all the requirements when they review a case. The new SPEDES requirements along with Onondaga Health Dept. and the DEC make sure that any runoff will not harm the Reservoir. This is better than if the land were to be left vacant.”

Ralph said basically what they have done is to allow people to build a house in different ways as long as they meet certain requirements so there is more flexibility to the people building the houses.

Supervisor Scammell asked what the original intent for including basements was.

Steve Chase said to eliminate trailers.

Supervisor Scammell said you can't put a trailer there now but you could put a modular home there.

Ralph Lamson said you could put a modular home there on a pad if you wanted to.

Councilor Bailey asked if a basement is a viable option when you are so close to the reservoir.

The resident's weren't sure.

Councilor Bailey wondered if there are existing laws regarding setbacks of a home having a basement if they are located near a body of water. He just wondered if there are any type of restrictions.

Ralph Lamson said the only ones now are if you are in a floodplain.

Steve Chase said their intent was just to stop the possibility of another trailer like they are faced with now.

Supervisor Scammell asked who regulates boating on the reservoir.

Kevin Gilligan thinks the result of past research showed the town didn't have the power to do that which is why the Board repealed the 1953 law.

Supervisor Scammell asked Kevin Gilligan to research this again for the Board to see if they don't have the authority or to find out who does.

Discussion took place regarding runoff and Butternut Creek.

Ralph Lamson said that is where all the silt and stuff is coming into the reservoir from now.

Supervisor Scammell said we can't actually know what is running in there from the

vacant land. He asked if there is any farming close to the reservoir.

Katie Bolsei said not in that area. Further up Butternut Creek there is some. That is one reason they are faced with the problem of the silt, etc. now as there hasn't been any regulations in the past.

Councilor Knapp said there are several farms along Butternut Creek.

Supervisor Scammell said when a subdivision does occur, it will become under increased scrutiny with SPDES that it's not under now at all. The initial purpose of the resident's request was to restrict the density in the area around the reservoir to restrict what might run off from the properties.

Councilor McConnell said only two parcels would be affected by this. One is the current Grove application and the other one is the Keough property. He asked if they are just trying to limit the #2 parcel as the other property is already before the Planning Board.

Katie Bolsei said as they understand it, this would have no affect on the current application. If that application is withdrawn, then it would apply to any new application.

Councilor McConnell said this would only affect one parcel then.

Katie Bolsei said yes but they are hopeful to stop the current application before the Planning Board now.

Supervisor Scammell asked about there being a Phase I and Phase II.

Mary Jo Kelly said they left the option open to apply for a Phase II preliminary plat subdivision plan approval if they decide to go forward in the future. They would require preliminary subdivision approval to do a Phase II. The Phase I is being presented as a stand alone parcel subdivided into 8 lots.

Supervisor Scammell said regarding their request for height and lighting limitations, what are our current requirements?

Ralph Lamson said 35' is the height for residential construction which is a pretty tall house. This has to be 35' on the average all the way around.

Supervisor Scammell asked the resident's if they wanted a 35' height limitation.

A resident said they are O.K. with what is in force right now. They just don't want it increased.

Ralph Lamson said we don't have anything in the Zoning Ordinance about lighting.

Kevin Gilligan said there are no lighting restrictions in the town at all.

Supervisor Scammell asked if there are any other municipalities that have lighting limitations.

Kevin Gilligan thinks the Environmental Board was looking at this.

Supervisor Scammell will ask them what suggestions they might have.

A resident doesn't think they have any issues with lighting in the area at the moment. They are just trying to think what things might arise.

Ralph Lamson said you must also look into the enforcement of these things

Supervisor Scammell thinks one of the problems with reporting the boats is that by the time the Sheriff's Dept. gets a boat in the water, the violator is gone.

Kevin Gilligan said the Sheriff's Dept. has some jet skis they use for enforcement too.

A resident said the Sheriff's Dept. is out there once or twice a year.

Katie Bolsei said they feel very vulnerable where they are. No one really wants to take the lead to protect their area. They are looking to the Board for any input it can give

to the process. People at their end of town feel they are neglected. They don't feel like their interests are being kept in mind. They are looking to create more communication.

Leon Cook said a couple of years ago he took a boat course. NYS has a wake law. Every boat is supposed to have a registration number on it and to be registered. If anyone gets the number off that boat and calls the DEC, they will hunt the owner down and issue them a ticket if they are violating the law. Usually whoever calls it in has a couple of witnesses who saw the wake. If the wake is big enough to disturb anything on the shore or a boat tied up, it's in violation.

Supervisor Scammell asked Leon if he could get a copy of this information. He asked where the registration number is located on the boat.

Leon Cook said it's on both sides of the boat. It starts out NY and then the number.

Supervisor Scammell asked if jet skies have them too.

Leon Cook said they sure do.

Supervisor Scammell said if you see a boat without one of these numbers on it, do you call the DEC?

Leon Cook said yes. The DEC is the one that gets out there quicker than anyone else. The Sheriff's Dept. can be called too.

Supervisor Scammell asked if there are other ways to reduce density other than lot size.

Kevin Gilligan said that is usually the way to do it.

Supervisor Scammell said if we increase the lot size to 3 acres, several of the parcels would be non-conforming.

Ralph Lamson said he thinks he found about 75 lots that would be non-conforming.

Councilor McConnell asked if they sold a non-conforming parcel down the road, would there be an impact by this?

Ralph Lamson said no because it's existing. When you are looking at zoning, you are trying to limit the non-conforming parcels. If you limit public access, you are putting the county park into non-conformity.

A resident said it's non-motorized vehicles.

Ralph Lamson said that's not the way it reads. He understands what they are trying to do but he is just trying to lay out how zoning would look at it.

A resident said they realize most of the property would not conform to their proposal but they are trying to protect the density in the future.

Ralph Lamson said he is just trying to point out under zoning what can be enforced and what can't to help work it all out.

Steve Chase asked if the discussion on this would only take place at Town Board Meetings or would it be discussed at some other time and place.

Supervisor Scammell said it can take place here. This is the legislative body for this.

Councilor Knapp said the Board works on it outside the meetings too.

Steve Chase said this isn't about just density. There are a lot of other concerns too.

Councilor McConnell said in his opinion this is a process that starts here and includes input from the Planning Board and eventually there is a public hearing. This is a process he doesn't think will be answered in a 30-day time period.

Steve Chase said their intent is to just start something going.

Supervisor Scammell said he appreciates this. He understands they have issues that are more than just density. He said he was trying to get more to the philosophy and not

just the specifics.

Councilor McConnell said one of the issues he has given thought to is that it's more or less a restriction to their specific area rather than to the whole town. He wants to know if this can be defended down the road.

Katie Bolsei thinks their section of the town is unique.

Councilor McConnell would agree as they have the reservoir. He asked the question last meeting about whether this was just to restrict the one development and was told no by Mr. LaTray. Now he is hearing differently.

Paula Naselli said it's obvious that none of them want the development. This is not to impact that development as that process has already been started.

Katie Bolsei said they are not here to put pressure on the Board. They are just here to keep informed.

A resident said they understand there is a process to go through. They are devoted to their environment and whatever they have to do to improve and protect it.

Discussion regarding boat access to the reservoir took place.

Supervisor Scammell asked if they know where the boat access areas are.

A resident said they think the main one is off Oschner Rd.

Supervisor Scammell said we can contact the county to see if they will do something to help us.

Councilor Knapp would suggest copying the Planning Board for their input on this.

Supervisor Scammell will do this. He will request the Environmental Board advise us about lighting and he will give them a copy of this too as they might have some suggestions.

Steve Chase said they are just trying to look long-term. They plan on living there for a long time. They are trying to put something together that would be good for everybody long-term. They are trying to do it the right way.

Katie Bolsei asked what they can do about the zebra mussels. They don't know much about them.

Supervisor Scammell said he can relay this concern to the Environmental Board too.

Katie Bolsei said she had heard if you take the water back, it will kill them. They do have access to do this.

Another resident said it's gotten really bad over the past 2 years.

Supervisor Scammell asked what the 3 biggest things that irritate them really are.

Katie Bolsei said personally it's when it rains and she can see the mud flowing in from Bitternut Creek. Another thing is the boat traffic.

Steve Chase said to see the reservoir declining, the zebra mussels, the silt, etc.

One resident believes the items mentioned in their proposal all put additional stress on the body of water.

Steve Chase said they have almost no mosquitoes down there because of the brown bats. They nest there and with the changes being proposed, they will be gone.

Marshall Taylor asked if the proposed project at the Jamesville Grove fails, since it has been used as commercial property, could someone else come in and propose something commercially?

Ralph Lamson would say someone could come in and run a restaurant.

Marshall Taylor said it's been a commercial use since 1940 so it would grandfather in.

A resident asked how can you put a housing development on commercial land?  
 Ralph Lamson said you can put houses anywhere in the Town of LaFayette.

Kevin Gilligan said the Board needs to keep in mind the Onondaga Nation Land Claim.

**b) Simple/small subdivision Guidelines – Under Review.**

**1. Cul de sacs.**

Supervisor Scammell noted the Board did make the decision to turn the cul de sacs back to the Planning Board as they do have the power to waive the length.

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

**3. TB review (JL).**

**4. Fee schedule.**

**5. NYS Comptroller’s opinion (what constitutes a subdivision?).**

**c) Corridor Plan.**

**d) Digitized zoning map.**

**9. LITIGATION & OTHER LEGAL MATTERS:**

**A. Onondaga Nation land claim**

Kevin Gilligan said they got a copy of the papers that were filed. His firm is looking over them now and the cost will be spread among all the towns they represent so they can get something initially for all the towns to look at.

**B. William May mobile home on Jamesville Reservoir.**

**C. Robert Shute – Route 11.**

**D. Selective Insurance/Estate of Janay Le-Ann Davis.**

**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.**

Kevin Gilligan said letters have been sent out and a couple of quotes have been received.

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

**C. FOCUS 2010 - Strategic Plan survey.**

Councilor McConnell said the next issue of Neighbor's East and the Town Newsletter will have articles about this in them. They have met and are polishing up the survey which will be submitted to the Board for review.

**D. Assessors: 2006 Town-wide property revaluation.**

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

**F. SPDES, Phase II (BM, RL, JN, SB, JD).**

- **Time & expense log (J. Dunkle letter).**

Councilor Knapp noted Andy Peebles has volunteered to be on the committee as a Planning Board Member.

**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.**

Supervisor Scammell hasn't heard anything more on the medic. The hurdle he heard is that they were working alternate weeks which wouldn't meet our requirement.

Councilor Knapp said the whole employee thing is an issue too.

Councilor Bailey thinks the issue is if the medic is the employee of a non-profit organization or an employee of the town.

Tom Chartrand said we don't have a position for a medic under our civil service roster and you don't know if that person is on the civil service list and employable under it. As a group they could apply and get under a commercially rated program.

Councilor Knapp will contact them about this.

Supervisor Scammell asked Councilor Knapp if this is O.K.

Councilor Knapp said yes.

**Councilor's Knapp moved and McConnell seconded the motion authorizing the Supervisor to sign the Penflex letter regarding Mr. Kuryla's entitlement to a lump-sum payment of a Service Award as of January 1, 2005. Motion passed unanimously.**

**I. Varsity Girls Volleyball Team recognition for state championship (DK).**

Councilor Knapp will get together with Kevin Gilligan to do a resolution for this.

**J. Other.**

Supervisor Scammell noted Watson Greenhouse has filed the facility usage permit and submitted their insurance certificates.

Councilor Knapp asked if the Tully Hills insurance certificate should name the Town of LaFayette as an additional insured.

Kevin Gilligan said only if they are listed on the permit for the Stafford Park parking lot.

It was noted they weren't so this is not an issue.

**Councilor's Knapp moved and McConnell seconded the motion to grant Watson's Greenhouse permission to use the Stafford Park parking lot for their fund raiser for Tully Hills and to waive the fee. Motion passed unanimously.**

**10. NEW BUSINESS:**

**A. Other.**

**11. Suggestions for improvement & positive contributions.**

Councilor Bailey said last Saturday there was an unveiling regarding the 24 second shot clock. One of the designers is a LaFayette resident. He worked on the internal mechanics. Mr. Louis Geswaldo and his family moved to LaFayette last summer. This is a LaFayette resident who made a contribution to the nation regarding basketball.

**12. Councilor's Knapp moved and McConnell seconded the motion to audit and pay the following bills:**

<b>GENERAL FUND</b>	<b>#3054 to 3079</b>
<b>HIGHWAY FUND</b>	<b>#3080 to 3084</b>
<b>SPECIAL DISTRICT</b>	<b># 3085</b>
<b>TRUST &amp; AGENCY</b>	<b># 3086 to 3093</b>

**Motion passed unanimously.**

**13. Executive session (as needed).**

**14. Councilor's Knapp moved and McConnell seconded the motion to adjourn. Motion passed unanimously.**

The Town Board Meeting adjourned at 8:44 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk