

Minutes of the Regular Town Board Meeting held October 24, 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, Councilwoman (Arrived 6:36 p.m.)
David Knapp, Councilman
Thomas Bailey, Councilman
William McConnell, Councilman

RECORDING SECRETARY: Mary Jo Kelly, Town Clerk

OTHERS PRESENT: Leon Cook, Highway Superintendent
Thomas Chartrand, Bookkeeper
Kevin Gilligan, Town Attorney
Marshall Taylor, Assessor/Clerk
Heidi Smith, Dodge Rd.
Peter & Pat Zangari, Berry Rd.
Nick & Jackie Ruzekowicz, Apulia Rd.
Mary Sheremeta, Clark Hollow Rd.
Melissa Sheremeta, Watervale Rd.
Mark Sheremeta, Watervale Rd.
Arthur Goldsmith, Berry Rd.
James Burnette, Smokey Hollow Rd.
Jeff Keeler, 6303 Smokey Hollow Rd.
Pete Paul, Dep. Supervisor
Hugh Byrne, Smokey Hollow Rd.
Arthur Fritz, Smokey Hollow Rd.
Chris Cawley, 6325 Smokey Hollow Rd.
Hugh Mezzleu, Smokey Hollow Rd.

1. Supervisor Scammell called the meeting to order at 6:35 p.m.
2. The Town Clerk took the Roll. Councilwoman Smith absent. All else present.
3. Pledge to our U. S. Flag led by Town Councilman Bill McConnell.
4. **Councilmen Knapp moved and Bailey seconded the motion to accept the October 18, 2005 Town Board Budget Work Session as submitted by the Town Clerk. Motion passes unanimously.**
5. **PUBLIC HEARINGS:** None
6. **COMMUNICATIONS:**
 - A. **Residents.**

1) Pat & Peter Zangari: CEO letter.

Pat Zangari said they came here about 6 weeks ago to speak to the Board. The Board gave them some views on how to handle situations in their neighborhood. They talked to the town about drainage. They contacted the DEC. She looked at the SPDES guidelines. She doesn't believe their neighbor is in compliance with the SPDES requirements. They are not in compliance with the SPDES plan. Another thing they learned is that there are different zones. People doing projects might want to know there are different guidelines with the different districts, i.e. Agricultural/Residential. As a citizen, when we disturb others where we live, we have to be accountable and responsible and if it goes to litigation, that is where it goes. We discussed riparian rights being included when you apply for a subdivision. She asked who the people who work in the town are accountable to. They expect respect when they speak to a town employee. They wrote a letter and received one back giving no reason for the C.E.O.'s decision.

Supervisor Scammell said Ralph Lamson has submitted a letter stating the reasons for his decision. He can read this now if they would like him to.

Pat Zangari said when you call on a town official, there is a matter of respect that you should receive. To not make a call back and not to address a concern in a way that was responsibly done is a concern. Morezak Rd. did come about as one of the other issues they discussed. She asked about Reidy Hill Rd.

Leon Cook said Reidy Hill Rd. is a county road.

Pat Zangari said she discussed Reidy Hill Rd. with some residents who said it would cost one million dollars to have the town take it over.

Leon Cook said you are talking about engineering fees, materials, labor, etc.

Pat Zangari said they would like an accurate answer for how much Morezak Road cost.

Leon Cook said for the private road off of Reidy Hill he isn't sure what it would be right now. It was \$100/foot. He said the total footage of Morezak Road is 1,584 but they did less than 500' of it.

Pat Zangari that was about \$5,000. If 750' off of Reidy Hill is going to cost so much more, she is concerned why they have to pay so much more for a road to be put in on Reidy Hill than what it was here.

Leon Cook said he doesn't know if anyone has ever quoted a cost for Reidy Hill. He would give them the town specifications and they can have whatever contractor they want to give them an estimate. The town wouldn't be putting that road in.

Pat Zangari asked why we would put one in on Morezak Road then.

Leon Cook said because Morezak Rd. is a town road. The one off of Reidy Hill Rd. is a private road.

Pat Zangari just wanted to be sure we are having fair and accurate balances to do business in the community. They are looking to have fair treatment for all for zoning and issues that go on within the community.

Supervisor Scammell asked Kevin Gilligan about the SPDES.

Kevin Gilligan asked Leon Cook if he has ever spent one million dollars on any road in the Town of LaFayette.

Leon Cook said no.

Kevin Gilligan said he didn't think so.

Supervisor Scammell said this is a private road off of Reidy Hill Rd.

Kevin Gilligan said the private road is probably not built to town specs and they would have to hire someone to bring it up to specs.

Councilman Knapp thinks the original question with this road was if they wanted to build it to specs and turn it over to the town for plowing, what would it cost?

Pat Zangari would like permission to have a dead-end sign put in for Morezak Rd.

Leon Cook said he already ordered one on Thursday. They will be putting it up as soon as it comes in.

Supervisor Scammell said Kevin Gilligan attended a SPDES meeting earlier this week.

Kevin Gilligan said he knows in this particular case, the DEC looked at it and it didn't trigger the Phase II requirement. Probably in 2007 or 2008 the town will be taking over the SPDES Phase II Program. When we have to take it over, we will be issuing permits and looking at the drainage issues. Right now, if someone were to disturb more than 1 acre they would be required to provide the DEC with a plan and have that plan approved by the DEC.

Supervisor Scammell asked what the word disturbed means.

Kevin Gilligan would think if you are moving dirt around or changing the natural cover of the land. They are concerned about erosion which comes from removing the grass and vegetation and having exposed dirt.

Art Goldsmith asked who is supposed to pass judgment on this for the town.

Kevin Gilligan said until the town passes this in about 2008 it will be up to the DEC.

Art Goldsmith asked how they would know about this.

Kevin Gilligan said the neighbors. If the applicant was honest in the beginning, the CEO would refer him/her to the DEC.

Art Goldsmith asked if the Planning Board shouldn't be involved in this.

Kevin Gilligan said only if it would be a matter of disturbing more than 1 acre.

Pat Zangari said there was a disturbance of more than 1 acre. The DEC put the resident on notice. She said she didn't want to cause anyone hardship. The DEC called back and said there was vegetation started and a ditch was done. At the origin, they would have had to get a permit. The DEC was notified after the fact.

Kevin Gilligan said until 2008, the town would have no jurisdiction over this issue. If she feels there has been a violation, she could pursue this with the DEC.

Pat Zangari believes this is something the town should be aware of. They don't understand it. They would think a person working on a hill would have some sort of plan.

Peter Zangari said they have ecoli in their spring water now.

Kevin Gilligan asked if he had cattle on his property.

Pat Zangari said they believe it comes from the field up above.

Peter Zangari said so far, thank God, the well water is fine. They will have to keep having it tested. He believes the Board must listen to the neighbors complaints.

Kevin Gilligan said that is about where 90% of the Code Enforcement Officers issues come from.

Peter Zangari said it's up to the town if you have a complaint to go check it out.

Kevin Gilligan said once the town has jurisdiction, this will happen.

Peter Zangari asked who takes care of this in the meantime?

Kevin Gilligan said the DEC.

Art Goldsmith asked why the town has to wait until 2008.

Kevin Gilligan said that is the program implementation schedule. There is a lot of work that needs to be done before the town jumps into it.

Art Goldsmith asked if the town could take on the responsibility to be sure the people developing the land follow the procedure.

Kevin Gilligan said the town doesn't have the jurisdiction to enforce this until it's passed. He thinks a lot of the applications and permits are granted with the condition of getting the DEC permits or authorization. Until they turn it over to us and until the implementation date comes, we would be the first in the state to adopt it which would be very premature.

Art Goldsmith said in this situation the procedure wasn't followed.

Kevin Gilligan said it would have been followed if the applicant had advised he would be disturbing more than 1 acre.

Councilman Knapp said when the Troopers Barracks was built, they had to get a permit from the DEC. In this instance, more than 1 acre wasn't supposed to be disturbed.

Peter Zangari said when Leon Cook put the road in, he ditched along Zangari's property and he now has no access to pile his stone. He asked about a pipe being put in so he can get to this area.

Leon Cook asked him to come to his office and they will get this straightened out. If they need a pipe, he will work it out with them.

Art Goldsmith said he is aware of this problem because it's in his neighborhood, in the growth of the town we have come away from an Agricultural/Residential community more to a residential one. One day they will stop building more north of Syracuse and will start building here. He thinks there needs to be a greater plan in the next short period of time to alleviate the problems his neighbors have run into. We need to do something to prevent this type of thing from happening. He believes the responsibility lies with the Planning Board. We do have our own wells around here and there are springs, etc. Most of the people out here have wells and if this change started putting ecoli in the Zangari's well then there are some real concerns. There are privileges given to farms that should not be given to folks living in an A/R District that are not farming. He believes the Town Board should interpret to the Planning Board what they would like done. Our thinking has to change for this type of growth.

Supervisor Scammell asked if he would be in favor of tightening up our Subdivision Regulations.

Art Goldsmith said we need a broader look when a person comes in to apply.

Councilman Knapp said one thing we talked about in the survey was mapping for a 'residential only' type zoning classification where you know there won't be any agriculture done.

Art Goldsmith asked if this could happen once a certain amount of residents become part of a certain area.

Councilman McConnell said this is pretty broad. You can set it up as Residential 1, Residential 2 or Residential 3. One of the questions was would you like to see some of these areas rezoned?

Art Goldsmith asked if this would be voted on by the public or the Town Board.

Supervisor Scammell believes a legislative act must be voted on by the Town Board. Input would be received from the public. He asked if Art would like to see the Subdivision Regulations tightened up.

Art Goldsmith said this goes back to where people should be notified and SEQR's should be done. He doesn't know if this is still going on.

Kevin Gilligan said yes it is. There is no way we can change people from not telling the truth about what they are going to do. The only way to do something about it is to do what Mrs. Zangari has done and the Town Board has done.

Supervisor Scammell asked if residents have any leverage when they call the DEC and the DEC for whatever reason, doesn't enforce SPDES.

Kevin Gilligan said the first thing he would do is call the elected official for this area. You can get in touch with legislators at the state level to get things moving. They don't have the manpower to enforce these laws which is one reason they will be passing this law onto the towns.

Pat Zangari said part of the other issue is running a business. They need some assistance from the town for when someone says they are going to set up a single family residence and then set their business up too. Where do they go with that? She will take the towns letter but if they are still unhappy, where do they go?

Supervisor Scammell said if they are unhappy with Ralph Lamson's decision, they can appeal it to the Zoning Board of Appeals.

Kevin Gilligan said the Town Board has no jurisdiction over the Codes Office. This Board's involvement is over. The only appeal that can be made is to the Zoning Board of Appeals.

Supervisor Scammell read Ralph Lamson's letter as follows:

"The following is the reasoning I used in regards to Mr. Carters residence and if he was running a business there. The information I received was that Mr. Carter was running a business at his residence at 6783 Morezak Road. Along with this I was informed that he had listed his home phone number and was bringing equipment to the property. I have reached the decision that having a home phone number listed is not a criteria of running a business from your residence. I will use the Towns Attorney as an example, his home phone is listed in the Towns Phone Directory, but he doesn't run his business from there. There are many more examples that also could be shown. I believe in this day and age people expect to be able to contact someone at their convenience, so people have to list their home phone or miss out on opportunities. I spoke with Mr. Carter regarding his equipment being at his property. He stated his equipment was at his property more than his agreement with the Planning Board as he was working on landscaping his property in different phases throughout the spring and summer. The equipment being at Mr. Carter's in this manner did not relate to him running a business there.

I visited Mr. Carter's property a few times to investigate the allegation of a business being run from his property. Mr. Carter's business is a excavating/landscaping business and below are some of the things I would expect to find at this type of business: 1) Equipment – such as backhoes, bulldozers, dump trucks, lawn seeders, wheel barrows, hand tools, and spare parts; 2) Piles of sand, gravel, stone, top soil, and mulch; 3) Job leftovers – drainage pipes, landscaping timbers, landscaping blocks, and miscellaneous materials. During my trips to Mr. Carters I found none of these things and that includes a walk through his garage.

The exception is his dump truck and backhoe were in his driveway as he had finished some landscaping on the property that morning and was on his way to a job.

This wrapped up my investigation on whether Mr. Carter was running a business at his residence. Mr. Carter has done a nice job with his property and I feel there is no business being run from 6783 Morezak Rd. I hope this wraps up this matter as I know some Town Board Members have put a lot of time into this matter...”

Pat Zangari said there were other concerns about noise, disruption and disturbance in the area. These concerns were not addressed. The Board might want to review the subdivision and Planning Board’s rules in determining either quiet businesses or noisy businesses.

Peter Zangari said he is running his equipment early in the morning. He is running a business.

Pat Zangari believes people are doing what they want when they said they wouldn’t be doing business.

Supervisor Scammell believes if they choose to appeal this to the Zoning Board of Appeals, they should bring whatever information they have to the Zoning Board of Appeals Meeting.

Peter Zangari said he doesn’t know who said something to Mr. Carter but he hasn’t had a lot of the equipment on his property in 2 weeks.

Supervisor Scammell asked if there is a way to differentiate between businesses.

Kevin Gilligan said the only type of businesses allowed in an Agricultural/Residential District are agriculturally related.

Art Goldsmith said you can get a variance though.

Kevin Gilligan said yes but it’s not easy. You would have to show you can’t use the parcel for anything else. If it’s in an Agricultural/Residential District and it’s not agriculture or an animal crematory, it’s not allowed in that District.

Supervisor Scammell asked if there were any other questions on this. There were none. He asked for any other comments from the residents.

Chris Cawley said he, Jim Burnette, Jeff Keeler and Hugh Byrne are here from Smokey Hollow Rd. He said they were here a couple of weeks ago. They would now like to withdraw the proposal for the Smokey Hollow Water District. They have met as a group and the cost right now to them individually is prohibitive. They are looking into what they can possibly do with private wells. He asked about a possible development in their area.

Art Fritz said John Dunkle received an inquiry from the owners of the parcel in question on Barker Hill Rd. near Smokey Hollow. No requests have been made for permits. He thinks OCWA received an inquiry too but nothing formal. While there is this request to withdraw the request submitted in July, what would be the advantage of just asking the Town Board to postpone the hearing? Could this be done?

Kevin Gilligan thinks so. If that time comes when a development in DeWitt starts up, you are probably going to want a water district in place to jump in on.

A resident said they have a district in place now, the Coye Rd. Water District.

Kevin Gilligan said you should be ready then if someone else should move in.

Councilman Knapp asked if this can be tabled indefinitely.

Kevin Gilligan said you can just let it sit until someone brings it forward.

Chris Cawley withdrew their request to withdraw the original request for the Water Improvement District and would like this to be tabled until a future date. Would they be notified if something should take place?

Kevin Gilligan said chances are, it would be brought forward by folks who wanted it to go forward.

A resident asked who could trigger it.

Kevin Gilligan said someone who is a member of the district. If someone is going to run a waterline right past them, and they have an opportunity to jump on, they can start it up again. The numbers would change so it would require going through John Dunkle again.

A resident thinks they would end up deluding any savings to go forward right now because of the distance it would have to go. If there is no liability with keeping the proposal dormant, there is no problem with it.

Supervisor Scammell asked if they had any idea how deep they would have to go for a well.

A resident said a couple of folks have gone 50'-100'.

Art Fritz is pleased the Town Board will keep this going. If Smokey Hollow was removed, he thinks it would have to be removed from the grant requests too. He has floated the idea of getting out of the Coye Rd. Water District in the hope of standing alone and seeing if the Northeast Water District might include them.

Councilman Knapp asked if this is something logistically easy to do.

Kevin Gilligan believes this question was asked and answered by John Langey several times. He did not educate himself on this issue so the town wasn't charged twice. It's not an easy thing to do.

Supervisor Scammell said John Langey had mentioned in one email it was very difficult to extract yourself from a water district.

Kevin Gilligan said it's a very difficult procedure that needs state approval.

Art Fritz said John Langey has not seen the documentation of the formation of the Coye Rd. Water District as to whether it's a water district or not.

Supervisor Scammell said it's a water district. He spoke with the original engineer who calls it a water district.

Mary Jo said the bonding was done for the Coye Road Water District.

There was a concern about funding received from the Environmental Facilities Corporation.

Supervisor Scammell said if he can get copies of the documentation, he will call and find out who applied for this funding.

Art Fritz said John Dunkle did submit an application to Albany on behalf of Smokey Hollow and the Northeast Water District. The score was rated as 115. The Village of East Syracuse came in with a score in the 200's. It was recommended to apply for a by-pass loan which is 0% interest. If you receive the by-pass loan, you automatically get 1,000 points added to your score. He thinks this should be looked into. The way to do this is a letter to Congressman Walsh.

Supervisor Scammell said he did send the letter and has exchanged two voicemails with his office.

Art Fritz said he and his counterpart for the Northeast Water District called Congressman Walsh's Office once they knew Supervisor Scammell's letter went out.

Supervisor Scammell asked for anything else on this topic.

Kevin Gilligan said Congressman Walsh is in his office in the Federal Building in Syracuse on Monday's and Friday's.

Councilman Knapp asked if a motion is needed to keep this open indefinitely.

Kevin Gilligan said no.

Art Fritz said East Syracuse said if this goes on through the winter months, they would have a greater cost in winterizing the pipes. They were thinking of having a surcharge. If they are still contemplating this assessment, he for one would welcome the towns intervening on their behalf. The people in LaFayette are already paying twice the water rate of those in East Syracuse.

Councilman Knapp asked when they would do this by.

Art Fritz said at the end of November they would have to winterize some lines that are near the surface.

Supervisor Scammell asked if there is anything else on this. There was no further comments.

Supervisor Scammell asked if there was any other correspondence from the residents of LaFayette.

Mark Sheremeta said they started coming to these meetings when Morezak Road was discussed to determine if this was a town road.

Kevin Gilligan said the final determination is this is a town road.

Mrs. Sheremeta said and it's not abandoned.

Kevin Gilligan said correct.

Mark Sheremeta asked how long it will go on as a town road.

Kevin Gilligan said it doesn't have to be maintained or plowed by the town.

Councilman Knapp said the improvements will not exceed the area that is done now.

Supervisor Scammell said what if someone asked for it to be extended if they own property beyond the point done?

Leon Cook said at that time he would bring the request to the Town Board and they could make the decision.

Kevin Gilligan said if someone were going to build a house at the end of the road, they would be asked to build a road to town specs and then turn it over to the town to maintain.

2) Kim Amidon, Justice Clerk – resignation.

“I regret to inform you that as of today I am giving my two week notice. October 20, 2005 will be my last day of work. Thank you for the opportunity to work with all of you...”

3) Other.

B. Onondaga County Legislature: 10.4.05 & 10.11.05 agendas.

C. Office of the Board of Elections: replacement voting system search.

“The United States Congress passed the Help America Vote Act of 2002 (HAVA) to modernize the administration of federal elections. Federal funds have been provided for the first time to purchase new voting systems, as long as these systems comply with the Act...”

HAVA established the US Election Assistance Commission (EAC) to administer the federal funding and to provide guidance to the States in their efforts to comply with HAVA administrative requirements. In addition to being in compliance with HAVA the new voting system must meet the needs of all our voters and follow the EAC Voluntary Voting System Guidelines as well as New York State Election laws. Given these requirements, we have concluded that the only type of voting system that we can select for the voters in Onondaga County is a Direct Recording Electronic (Electronic) System...While no system is absolutely perfect, both Electronic and Optical Scan voting systems are good systems..."

D. Onondaga County Supervisors Association: election costs.

E. Onondaga County Executive Nick Pirro: Town/city election cost shifted to county.

"Next year, a new mandate imposed by the New York State Legislature shifts responsibility for conducting elections from town and city governments to counties. State law allows counties to bill towns and cities to recover the cost of conducting these elections. However, the Onondaga County Legislature has elected to waive the charge and accept responsibility for this expense. As a result, over \$700,000 in costs will be shifted from town and city budgets to the 2006 County Budget. While municipalities will enjoy a windfall savings as a result of this shift in burden, it is not a windfall for local property taxpayers. Savings in town and city taxes will be offset by higher County taxes. Therefore, in the interest of taxpayers, I will expect your 2006 budgets to apply the full amount of the windfall savings from the County takeover of election costs to reduce property taxes. I encourage you to make a specific budget entry that will confirm to the taxpayers that the amount committed to the cost of running elections in 2005 has been applied as property tax relief in 2006. If the savings from the County's takeover of election costs goes for purposes other than tax relief, I will petition the County Legislature to institute an election cost chargeback system for implementation in 2007..."

Marshall Taylor said since there is a lot of unofficial maintenance flowing around that we don't get credit for, he would vote not to do this. They have bunched so many unfunded things on to us that he isn't in favor of this. It seems self-serving. We don't get any credit for what we already absorb.

F. Syracuse Post- Standard, 10.4.05: November 8th referendums, proposals 1 & 2.

"...Proposal No. 1 is a constitutional amendment affecting the state's budget process. Proposal No. 2 is a bond issue authorizing \$2.9 billion in general obligation state borrowing for transportation...The state constitution now requires the state assembly and Senate to 'finally act upon' the governor's proposal before appropriating money for any other purpose. If a new fiscal year starts without a new budget in place, legislators aren't paid until they do act. For the proposed purpose of fixing the late budget problem, the amendment would eliminate any requirement for legislative action on the governor's budget. That proposal would simply expire if a budget is not adopted before the end of each fiscal year. At that point, the Legislature would be empowered to rewrite and add to the previous year's appropriations. The governor would retain a veto over budget changes – but, in practice, legislators could use clever packaging to thwart any effort ton control spending....Proposal No. 2 – the transportation bond issue – is a somewhat tougher call. New York now has

nearly \$48 billion in outstanding bonds directly supported by taxes – putting the state into what the Citizens Budget Commission has called a debt ‘danger zone’....”

Supervisor Scammell said it seems most of us know nothing about these proposals on election day.

G. CNYRPDB: LaFayette selected for technical assistance in pilot local law gap analysis program.

“...We are now ready to start the pilot local law gap analysis program. We have selected the three municipalities for technical assistance...Town of LaFayette...Town of Pompey...Village of Phoenix...”

Councilman Knapp asked what this will do for us.

Kevin Gilligan thinks it’s done. It involved one fellow coming out and going through the checklist with us.

H. NYS DEC: permit for construction activities.

“If your construction operation results in the soil disturbance of 1 acre or greater the stormwater runoff from your site must be covered by a State Pollutant Discharge elimination System (SPDES) permit for Stormwater Discharges from Construction Activity (GP-02-01) issued by the New York State Department of Environmental Conservation (NYSDEC). Under the SPDES permit regulations, soil disturbance includes clearing vegetation, grubbing, filling, grading, demolition and construction activity. You are responsible for obtaining coverage under the SPDES Permit prior to commencing construction activities, and maintaining Erosion and Sediment Control measures until the site had been stabilized...Failure to have the required Permit and SWPPP can result n legal actions which include Stop Work Orders and/or monetary penalties of up to \$37,500 per day...”

I. Onondaga County Department of Finance: sales tax.

“...Sales tax to be charged on the 2006 Abstract for the year 01/01/04 to 12/31/04 is \$70,758.67...”

J. Onondaga County Department of Finance: ORPS processing fees.

“...In accordance with section 190-3.2(b) of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York, the following is the portion of the state’s annual licensing fee for users of the New York State Real Property System...The parcel count for your municipality is 2,501 and the RPS annual licensing fee is \$800.00...”

K. CNYRPDB: Rhea Eckel Clark Citizenship Award.

“...The award is given annually to an individual or organization that has provided strong regional leadership, helped implement programs and have significantly improved the quality of life in Central New York, and supported efforts to foster a greater sense of intergovernmental cooperation and civic participation across the region...”

L. Onondaga County Legislature: County property tax exemption for volunteer firefighters & EMS volunteers.

“...many Legislators have relayed questions to me from several of you regarding this issue. To date County Legislators and our staff have been gathering information relating to

the implementation of this New York State initiative. It is my intention that the County Legislature will approve this exemption before mid-December of this year. This will allow eligible volunteers to apply for this exemption by March 1, 2006. Our first effort is to determine if New York State has left certain provisions for the taxing jurisdictions to determine, or if state regulators have predetermined them. We have asked the County Law Department to determine NY State's intent in establishing eligibility rules. Currently we believe that the state has left the determination of eligibility to each local municipality. This important point needs further clarification. It is my desire to have uniform eligibility rules countywide..."

Councilman Knapp asked if this means they would be doing this countywide.

Kevin Gilligan said whatever they are going to do, it only applies to the county taxes.

Councilman Knapp said we would have to take action ourselves at a local level for town taxes.

Kevin Gilligan said the local municipalities have no jurisdiction to change a state statute. They are wrong in this. The applicant would get 10% to a maximum of \$3,000 off the assessed value and not the taxes.

Councilman McConnell asked if this includes retired members.

Kevin Gilligan said there are special circumstances for this. He doesn't have the criteria with him. You must have 5 years to qualify for this to begin with. This is part of the problem. The fire departments would like it defined as active members as an incentive. The state at this point has advised it must be enrolled members and the fire departments might have to change their by-laws to define what they consider enrolled members.

Marshall Taylor said another gray area on this is that exemptions aren't granted unless they are sure the person qualifies. The fire department must notify the assessors each year who is eligible. Who is authorized to submit this list? This is a yearly renewal.

Kevin Gilligan said there is a form that has been approved by ORPS.

Marshall Taylor said they had a meeting and he asked who is the responsible person at the fire department that is authorized to make this determination. Who is qualified to send a letter to him?

Kevin Gilligan said basically the applicant swears to the facts of the application.

Marshall Taylor said the other exemption forms are easily provable. Determination can be made. If a fireman walks in with a form and says he's eligible, Marshall isn't going to grant the exemption unless he is sure this is an authorized fireman.

Kevin Gilligan noted it says they must be certified for at least 5 years of service.

Marshall Taylor said correct but who is authorized to certify them? He would like a list of members who might come in if they are eligible for the exemption.

Councilman Knapp thinks there may be some confusion about the 10%.

Marshall Taylor said most of the folks thought it was \$3,000 off their payment and it's not. It's off the assessed value.

Supervisor Scammell asked how this would affect the Jamesville Fire District.

Kevin Gilligan said you must be a resident of the Town of LaFayette and supply fire protection services to the Town.

Marshall Taylor said if the county approves this, he still needs a way to be sure the applicant is eligible.

M. Onondaga County Legislature: Savings on election costs.

“...Requesting the city and towns to apply the saving from the county takeover of election costs to reduce city and town property taxes...”

N. Other.7. **SPECIAL REPORT** - None.8. **REPORTS:****A. Departmental (4th Monday).****1) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.****a) Ordinance review. Process comparison, towing, “firm up”.**

Supervisor Scammell would request the Town Board look at the Junk Yard Ordinance submitted to consider what might be done to tighten this up.

Councilman Knapp suggested the Zoning and Planning Board’s take a look at it too.

Supervisor Scammell said Ralph Lamson and Jack Sutton should review it too. He will send this to the Zoning Board of Appeals, Planning Board, Ralph Lamson and Jack Sutton and ask what things they see that might need to be changed or modified.

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

1. **2300 – 2330 Route 11 South, across from LaFayette Rural Cemetery, multiple autos & properties.**
2. **Route 11N (just north of town offices) – 2 autos, visible from LPL parking lot.**
3. **2805 Route 11A. Business in A-R.**

c) Vehicle dismantling? – Route 11 South.**d) Riparian Rights. “Warning. Altering drainage flows on your property may give rise to legal action against you by impacted property owners” – building permit, subdivision process, newsletter article.****e) Carter business rationale.****f) Report for September.**

A written report for September was submitted.

2) Dog Control: Sue Snavlin & Madeline Despres.

- **Dog logs – 2005.**

Supervisor Scammell has not seen the dog logs for 2005. He doesn’t have any dog control report at all.

3) Highway Superintendent: Leon Cook.

a) Brevity Lane/Road.

Supervisor Scammell submitted an article from the newspaper regarding Brevity Lane/Road. The sign at one end reads Brevity Road and at the other end it reads Brevity Lane. He asked Leon Cook which it was.

Leon Cook said it's been like this for a long time. Long before he took over. He investigated it and the only resident on the road is using the address as Lane. On the state records it says Road. Because the one resident on the road is using the address of Lane, we should change the one sign that has Road on it to Lane.

Supervisor Scammell said so Brevity Lane is what it is.

Councilman Knapp asked if we need to do anything legally to change this.

Leon Cook said when they do the paperwork for the CHIPS Program, they will change this and then it will be changed on the state records.

Councilman Knapp asked if we need a resolution

Kevin Gilligan said yes.

Marshall Taylor said Summer Ridge is known as 3 different names.

Councilmen's Knapp moved and Bailey seconded the motion to name Brevity Lane/Road as Brevity Lane. Motion passed unanimously.

Leon Cook said the past month they have been cutting roadside brush with their brush hog. They put in an 18" pipe on Nichols Road. He repaved where they dug up. He had the motor pulled on the 2001 Ford 550 and a new oil pan installed. He had an estimate of \$1,500 and it ended up being \$2,192. On the 2003 Ford Pickup 550, one morning it wouldn't start. They had it towed to the Ford garage. Most all of the work was covered under warranty. They got the truck back and it still wasn't right so they had to take it back. They had to put a new fuel pump in it and it had a bad injector. They had a new seal put on it too which is the only thing they had to buy. They did a lot of work on wires. They had a lot of problems with the #5 and #6 which are the big plow trucks. They had to replace all the wires in the back. The salt got into the wires and all 3 big plow trucks had problems. Today they had an inspection on all the equipment and it came out pretty good. He found one 10-wheeler that the backup alarm failed. It didn't work and then it did. On the other 10-wheeler the backup and tail lights didn't work. One of the bulbs in the beacon light on a big plow truck didn't work. These things all worked last week. They worked on the 88 and 92.

Last week he had a flag put on Cascade Bridge. All 4 signs down there were faded. He thinks the bridge was built in 1970 and he thinks the signs have been there since then. There's a bill submitted tonight for the signs so they will be all taken care of and should be fine for the next inspection.

The well for drinking water at the shop had to be dug up. The dirt was getting in from around the casing. What has happened is evidently the casing must be letting something go by. To correct this, they sealed around it

They had a guy come in the shop from the county. He had a truck, crew and chipper. They said they won't cut brush on a county road unless there is a complaint. If you call the county with a complaint, they will go out and cut the brush. The reason for this is every time they cut the brush, they start getting complaints from homeowners. He would appreciate it if someone didn't like brush sticking out in the road, they would call the county at 435-5415.

b) Summer Ridge Road.

4) Justice: Malcolm Knapp & Maureen Perrin.

- **West Shore Manor dog bite – aggressive dog court case.**

Supervisor Scammell said a person was bitten and would like the dog named as an aggressive dog. He believes this will be in court on Wednesday night.

- **Report for September.**

A written report was submitted.

5) Library Director: Scott Kushner.

- **Library Board Minutes for 5/9/05, 6/6/05, 8/15/05 & 9/12/05.**

Minutes were submitted.

Supervisor Scammell noted in their 6/6/05 Minutes they applied for a program that would give the library free children's books appropriate for ages birth until 8 years old. They were chosen and will receive 100 new books.

- **Library Director Reports for 5/9/05, 6/6/05, July, August & 9/12/05.**

Written reports were submitted.

- **2004 990's.**

990's were submitted for 2004.

6) Recreation Director: Regina Reinschmidt.

A written report was submitted.

7) Town Clerk: Mary Jo Kelly.

- **September Report.**

A written report was submitted.

8) Town Supervisor: Greg Scammell.

- a) **Intermunicipal Shared Services/Cooperation & Consolidation, 2005 Onondaga Citizens League study.**
- b) **Apulia Road property – flooding & ice buildup: Awaiting SEMO grant application.**
- c) **Report ending 9/30/05.**

A written report was submitted.

B. Committee (2nd Monday).

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

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

Marshall Taylor said he sent information to the Board regarding Digital Towpath. The Board said they hadn't had a chance to review the material for tonight's

meeting. This will be discussed further at the next Town Board Meeting.

- b) **New server applications (MS Office, pictometry, town website).**
 - c) **Mike Forte, Webmaster – Sep & Oct, 2005.**
- 2) **Emergency Response (TB/BM).**
- a) **LFD exhaust vents – AFG grants.**
 - b) **Onondaga County Department of Communications - OCICS MOU.**
 - c) **Susquehanna RR brush fires created by grinding (LFD, JFD, ToL).**
- 3) **Employee Policies & Benefits (MJ/SS/MD).**
- **Update contribution to 1%.**

Tom Chartrand said in one section it reads 1% and in the other spot it carried over the \$2.00.

Councilmen Knapp moved and Bailey seconded the motion to amend the Employees Handbook on page 12 to read 1% in place of \$2.00 under employee contributions for health insurance. Motion passed unanimously.

- 4) **Environmental & Conservation Advisory Board.**
- a) **2006 assessment (Acer Forestry, David Skeval – Preliminary survey, DEC aerial survey).**
 - b) **2006 strategy & alternatives. CCE?**
 - c) **2006 Contingency Fund for biological issues (legal).**
 - d) **Legal authority to spray, use public funds to protect private investments, health issues, permissions needed, windage on neighboring properties?(KG)**
 - e) **2005 Assessment of community impact.**
 - **1,098 acres (DEC map) of ~28,800 acres (~45 square miles). 3 – 4% of total land area.**
 - **Mailer sent to 150 parcels. 32 interested citizens, 23 parcels who attended meeting.**
 - f) **Liabilities of town as well as neighboring property owners.**
 - g) **Newsletter follow-up (RB).**
- 5) **Highway (PP/LC/DK/SP/CP).**

6) Physical Plant (HS/DK/BM).**a) LaFayette Community Center: Ice buildup solution over kitchen area (Deferred until later this year). DK.**

Supervisor Scammell noticed when he went by the Community Center this past weekend, the doors were wide open.

Councilman Knapp asked if a sign should be put up mandating when the heats on at the Community Center the doors should be closed.

Councilor Bailey asked if there were a number of people there.

Supervisor Scammell said there were a few cars. There may have been 20 cars.

Councilman Knapp suggested putting a sign on the doors and one on the thermostat.

Mary Jo will make up signs to be posted stating “Please keep inner and outer doors closed when furnace is on”.

b) Heating/Cooling system alternatives, new temperature controls, Phase 1 report, Clay Smith, P.E.

Discussion took place regarding temperature control in the front foyer at the Town Offices.

7) Recreation & Youth (DK/SS/RR).**a) Marion Bailey Park.**

1. BSA Scout Stephen Kuhns – Eagle project, install grills.
2. BSA Scout Peter Slowick – Eagle project.
3. 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.
4. Roof over sandbox (Herb Salladin). Bids. DK.

c) Polypropylene netting – Gary DePalma. Estimates for additional (Jack’s Shack, Beach) netting projects. \$2100 for Stafford Park Pavilion. DK. Remove light?(PP suggestion).**d) Fred Stafford Park.**

1. Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.
 - Tully-\$12k – materials only (all volunteer labor).
2. Geese & feeding.
3. Clapboards on backside of bathrooms need repair.

8) Safety (TR/SS/LC/RR).

- **Library inspection 7/26/05.**
- **Box Lacrosse inspection 8/29/05.**
- **New Building and Ball Fields inspection 6/24/05.**
- **Beach inspection 6/24/05.**

Inspections were discussed. The Board was in agreement for Councilwoman Smith to get a verbal estimate for the repair work to be done.

9) School District liaisons (BM/PP).

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

- **Onondaga County Department of Aging & Youth – mobile office (to be rescheduled).**

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

a) Service awards & tax exemptions in multi-municipal situations.

b) NYS Board of Real Property Services – Application for Volunteer Firefighters/Volunteer Ambulance Workers Exemption.

A letter was received from Jack Sutton, President of the LaFayette Fire Dept.

“At our monthly meeting on October 3, 2005 the membership voted to transfer from UBS to Dain Raucher. We are still under PenFlex....”

Councilmen Knapp moved and McConnell seconded the motion to approve the LaFayette Fire Department to change from UBS to Dain Raucher. Motion passed unanimously.

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) Northeast LaFayette Water district. Financial assistance letter to Congressman Jim Walsh complete.

Art Fritz asked for the status of the Northeast Water District.

Supervisor Scammell said the last he knew John Dunkle was tidying up some loose ends on it regarding who should be and who should not be on the list.

Councilman Bailey asked if there was any solution to the county park usage.

Supervisor Scammell thinks they came up with the number 7.

Art Fritz said the petition is going only to Palladino Road.

Supervisor Scammell said this is the last he has heard from them.

Art Fritz asked about a time table.

Supervisor Scammell isn't sure there is a time table. It's a question now of whether they would take the Smokey Hollow folks in, information from Congressman Walsh's Office, etc. There's the remaining issue of what to do about the folks in E.

Art Fritz said Smokey Hollow and Section E are akin now. He would like to see what the total population of the area is.

Councilman Knapp thinks it was pretty much decided here at the last meeting.

Art Fritz thinks after the last meeting, some folks reversed their decision in 24 hours.

Jackie Ruzekowicz said it would be interesting to see majority-wise how many votes were for District E. Maybe over time they have rethought this.

Marshall Taylor asked how the voting is being done.

Supervisor Scammell said they would sign a petition.

Jackie Ruzekowicz said it would seem everyone who has water now should still be able to have it.

- c) **Smokey Hollow Service Improvement district (Coye Road Water district). Financial assistance letter to Congressman Jim Walsh complete.**
- d) **Hamlet drainage study – request submitted to NYS DOT.**
 - **NYS DOT notified of subsidence behind M. Amidon's property.**

14) Zoning Review (GS).

- a) **Jamesville Reservoir Preservation District/JRPA change.**
- b) **Minor/small Subdivision procedure - streamlining suggestions (intake procedure, sketch plan conference, applicants without counsel, surveyor or engineer, submission quality, meeting frequency).**
- c) **Corridor Plan.**
- d) **Digitized zoning map, correction & amendments.**
- e) **Subdivision procedures.**
 - **Public notification of neighbors.**
 - **Time frame.**
 - **Record keeping.**
 - **SOCPA meets every 3 weeks.**
 - **Drainage, riparian rights, building permit notification, subdivision notification.**

9. LITIGATION & OTHER LEGAL MATTERS.

A. Onondaga Nation land claim & land rights.

B. William May mobile home on Jamesville Reservoir. County court rules in town's favor.

C. Robert Shute – Route 11.

An update on this was received by the Board. This has been heard in the DeWitt Court and we are waiting for the judge's decision.

Councilman McConnell asked why the judge didn't make his decision at that time. Kevin Gilligan said seldom does a judge make a decision from the bench.

D. Lynn Hutton – Summerridge work.

Councilman Knapp asked about the situation with Lynn Hutton.

Kevin Gilligan said basically he blew us off. He and his lawyer knew exactly what they were supposed to do and didn't do it. He asked if the top course was done on this.

Leon Cook said it was all done at once. They put the base in and then they put the top on.

Kevin Gilligan said there is a one-year Maintenance Agreement on the road. There is a letter that has been sent to his lawyer regarding this matter. They have failed to meet all the conditions the Planning Board set. The letter to Lynn Hutton's attorney outlines what has to be done to finish this thing up.

Leon Cook said inspections did take place by he and John Dunkle.

Councilman McConnell asked if the process and paperwork had been done in the right way, what would the cost have been?

Kevin Gilligan said it wouldn't have been anything.

Councilman McConnell asked what about now.

Kevin Gilligan said there will be costs. We don't have a final map signed by the county, a letter from the school stating the size of the turnaround will meet its needs, a final Maintenance Agreement, etc.

Councilman McConnell said all of these properties are in limbo until he complies.

Kevin Gilligan said correct. The Chairman of the Planning Board will not sign off on the map until the conditions have been met.

Councilman Knapp asked if there is anything the Board can do.

Kevin Gilligan said the big problem at this point is getting insurance dated back to the period of time he began the work on the property. The insurance has to be in place dating to the time the work was done or he's in violation. What if there's a loss we don't yet know about that happened during that time? He would advise the Board to waive the Owners Contractors Protective Liability (OCP) portion of the insurance.

Councilman McConnell asked if the Board didn't make this motion, what would it cost Lynn Hutton.

Kevin Gilligan believes about \$7,000. A letter could be issued stating if everything is wrapped up within the next 10 days, the OCP will be waived.

Councilman Bailey would recommend making it 30 days.

Kevin Gilligan said to keep in mind this has been going back and forth for about 60 days now.

Councilman Knapp would recommend making the date November 15th.

Councilmen McConnell moved and Knapp seconded the motion to waive the OCP if everything is wrapped up by November 15, 2005. Motion passed unanimously.

10. UNFINISHED BUSINESS & ACTIVE PROJECTS.

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

Marshall Taylor asked about the mobile home inventory.
Supervisor Scammell said Steve Beggs requested we provide him with an accurate list.

Marshall Taylor asked if he meant on just individual parcels.
Supervisor Scammell believes so.

Marshall Taylor will get this information to Supervisor Scammell

B. FOCUS 2010 - Strategic Plan survey.

Councilman McConnell said the Committee will be meeting at the Community Center to review the draft information received.

C. 2006 Town-wide property revaluation.

D. Other.

11. New Business.

A. Open.

A letter was received from Security Mutual Life.

“...Effective December , 2005 we will increase your quarterly rates as indicated...”

Tom Chartrand said we haven’t had a rate increase since he’s been here. We may see a decrease next year.

Councilmen Knapp moved and Bailey seconded the motion to accept the new rate from Security Mutual Life as follows: \$2.77/\$1,000 for Life from \$2.00/\$1,000. Motion passed unanimously.

12. Suggestions for improvement and positive contributions.

13. Executive session (if needed).

14. Motion to audit & pay bills.

Councilman Knapp moved and Councilwoman Smith seconded the motion to audit and pay the following bills:

GENERAL FUND	#4208-4213 & #4269-4306
HIGHWAY FUND	#4307-4327
SPECIAL DISTRICT FUND	#4214 & #4330-4331
TRUST & AGENCY FUND	#4332-4337

Motion passed unanimously.

15. Motion to adjourn.

Councilmen Knapp moved and McConnell seconded the motion to adjourn. Motion passed unanimously.

The Regular Town Board Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Approved 11/10/05