

Minutes of the Town Board Meeting held by the LaFayette Town Board on July 10, 2006 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette

Present: Gregory Scammell, Supervisor
David Knapp, Councilman
Thomas Bailey, Councilman
William McConnell, Councilman
Adrian Shute, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Kevin Gilligan, Town Attorney
Marshall Taylor, Assessor/Clerk
Tom Chartrand, Bookkeeper
Pete Paul, Dep. Supervisor
Donna Knapp
Victoria Dunn
Craig Fox, Cram Communications
Sam Furco, Cram Communications

1. Supervisor Scammell called the meeting to order at 6:34 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to our U. S. Flag. Town Councilor Tom Bailey.
4. **Councilmen Knapp moved and McConnell seconded the motion to accept prior meeting minutes of June 12th, 2006 as submitted by the Town Clerk. Motion passed unanimously.**
5. **Public Hearings. None.**

Councilman Knapp said we have a visitor from Northern Ireland whose name is Victoria Dunn. She is 11 years old. She has been here 2 weeks Wednesday. She will be here until the end of July. She has seen a lot of America already. They went to Niagara Falls last weekend. The Board thought it would be nice since she is in our beautiful town for awhile and so she would have something to take back with her, to make her an honorary citizen of LaFayette. He presented Victoria with a certificate making her an Honorary Citizen of the Town of LaFayette.

The Board welcomed Victoria to the Town of LaFayette.

6. **COMMUNICATIONS.**

A. Residents.

1) Ted Grader: Mill Street/Road.

Ted Grader was not present. Will return to this if he arrives.

2) Sue Meyers: Persse Road.

Sue Meyers was not present. Will return to this if she arrives.

3) Russell & Mrs. Norma Nemeti: 3934 LaFayette Road building permit.

“I am requesting reimbursement of \$696.00 for a recent building permit for 3934 LaFayette Rd. A few days after we received the permit we realized our house plans will not suit this property because of the steep incline and the lay of the land. Due to the setback from the road and the high cost to bring in fill, it will put us well over \$90,000 just to prepare the property before the actual building of the house. Even if we were to apply for a variance to change setback from the road we will still be over budget. Unfortunately when we purchased this property it was winter and we didn't realize how steep the incline was. We have decided to sell the property and hopefully someone with a different floor plan. We cannot change our floor plan due to an elderly in-law. We need to be on one floor for us to be able to care for him. We also need to get this property sold as soon as possible and would greatly appreciate the return of the building permit money in the amount of \$696.00. We never started the build....”

Supervisor Scammell said he asked Ralph Lamson for his input on this and he had no objection to refunding their money.

Councilman Bailey believes we have done this in the past when people couldn't go forward for whatever reason.

Councilmen Knapp moved and Bailey seconded the motion to refund Mr. & Mrs. Nemeti their building permit fee of \$696.00. Motion passed unanimously.

The Board discussed Cram Communication's request for radio towers.

Kevin Gilligan said he called Craig Fox earlier and informed him he wasn't sure the Board had the opportunity to review the entire packet as it has been almost a year since they were before the Board. The Board will hold the ultimate action for the August Meeting.

Craig Fox said the only issue they are concerned about is the reclamation bond for the removal of the towers if they should be abandoned. For several reasons they believe this shouldn't apply to them. The Town Tower Law requires it for communication towers but does not specify it for radio towers. There is no history of radio towers being abandoned in the past 50 years. They would like to discuss this and see if it's really necessary. They have contacted several companies and tried to purchase this bond but have not been able to do so. Unless they are willing to change their entire insurance policy for their stations which they have had with a particular company for many years, these companies won't write a bond for them. When he spoke to Kevin Gilligan today, he suggested they might be able to get a Letter of Credit from the bank. He understands they would have to put the money up and the bank would hold it in the amount of credit. That is an expense they would rather avoid.

Supervisor Scammell asked what the changes to the insurance policy would be.

Craig Fox said if they were to go with the new company, they would entertain the issue of the bond. They have never had a request like this. In 20 years and all the towers he has put up, he has never had this request before.

Supervisor Scammell asked Kevin Gilligan if he is aware of any other radio towers that have had to put these bonds up.

Kevin Gilligan said he can check.

Tom Chartrand said the Town of Otisco requires it. They got 3 quotes from companies on the cost to take the towers down and put the money in this amount in a special account.

Supervisor Scammell asked if this would be acceptable.

Craig Fox asked if the company would have to put up the money.

Tom Chartrand said they would have to put the money up equal to the cost of the demolition.

Councilman Knapp asked if we knew about how much money this would be.

Craig Fox said when they put up the temporary tower twice, it cost \$18,000.

Councilman Knapp said so it was \$9,000 each time.

Craig Fox said that was to put it up and to take it down.

Kevin Gilligan asked Tom Chartrand if he had any idea what the cost was in Otisco.

Tom Chartrand thinks it was between \$18,000 and \$20,000.

Kevin Gilligan noted that tower is 1,000' high.

Supervisor Scammell asked how the special account works

Tom Chartrand said they open up a joint account requiring the supervisor's signature and the head of the company's signature. IF the company goes bankrupt, the account remains with the town. The company still draws interest off of the account.

Tom Bailey asked if there would be any revenue sharing by the town.

Tom Chartrand said there isn't in Otisco.

Supervisor Scammell said so the company would earn some interest on the account.

Tom Chartrand said there would have to be some kind of security to the account.

Kevin Gilligan doesn't think you would want to do that as it would tie up the money if it was needed.

Councilman Knapp said you could get renewable CD's for 3 month periods.

Supervisor Scammell asked if Craig Fox knew how much it would cost to construct the towers.

Craig Fox said about \$400,000.

Kevin Gilligan said maybe if we could get the names of the companies, Craig Fox could talk to them and get some estimates. The towers Craig Fox is proposing are much shorter than the one in Otisco.

Supervisor Scammell asked Craig to talk to Tom Chartrand and try to get some numbers for this.

Councilman Knapp said this would help him. If it's not a great deal of money, he wouldn't be as concerned about the town covering it as opposed to it being a lot of money.

Kevin Gilligan would say to get at least 3 quotes and provide them to the Town Board so it can make it's decision on what and how much was needed. It gives the Board more facts.

Councilman McConnell asked if they just bonded for the big tower in Otisco.

Tom Chartrand said all the towers in Otisco are bonded.

Councilman McConnell said there's one transmitter tower or reception tower and there is an array of 6 towers. Why is this?

Craig Fox said because the wavelength is so much larger on AM frequencies.

Councilman Knapp confirmed it would mainly be shooting north.

Craig Fox said yes.

Councilman Knapp asked if there has been some change in output for radio frequencies in this area. He has noticed a difference on an AM station.

Craig Fox said they are in the process of redoing some of the current system and while their workers are there, they have to turn the power down.

Supervisor Scammell asked why that is.

Craig Fox said because they are working right next to the towers on Dorwin Ave.

Supervisor Scammell asked if they are dangerous.

Craig Fox said you can get a shock if you touch them. It does heat the body over time and they would like to alleviate that.

Supervisor Scammell said you would get a shock if you touched the tower.

Craig Fox said you would get a nasty burn.

Councilman Shute asked where the question of bonding arises. He doesn't see it in the Planning Board Minutes.

Kevin said it's there and it's also in the Tower Law.

Councilman Bailey said a larger company could come in and buy these towers and not need all 6 of them.

Councilman McConnell thinks he has been trying to get this going for 2-3 years.

Craig said originally they tried to put them up on Sentinel Hgts. Rd. and went to the Zoning Board of Appeals in 2000.

Supervisor Scammell asked if there were any other questions.

Craig Fox said they just wanted to know if there is anything else they need to do besides the bonding.

Councilman McConnell asked if they currently own or operate any other AM stations.

Craig said WSIV located in Manlius, WOLF located in Syracuse, WOBUA in Mexico, WOLF FM in Scriba, another station in Auburn and he hasn't been asked for bonding for any of them.

Councilman McConnell asked how he is affiliated with these stations.

Craig said he is the owner of 1540 located in E. Syracuse and common to the other companies.

Councilman McConnell asked common in what capacity.

Craig Fox said he is a majority owner.

Councilman McConnell said his frequencies are governed by the federal government. What guidelines have they given regarding bonding issues?

Craig said they have no opinion on this.

Councilman McConnell said they leave it up to the local government.

Kevin Gilligan asked if they have current guidelines from the FCC regarding the radiation from the towers.

Craig said they do. They figure the worst case scenario based on the power you have and that is where the fencing must be put. When you do your license renewal, you must measure inside the fencing so if your workers inside the fence areas know how far they must be from the tower and for how long they can be there.

Kevin Gilligan asked about the non-employees.

Craig said the FCC can say for the amount of power you are putting out, the fence needs to be 10' away from the towers. If you put your fencing up according to their recommendation, you will not come anywhere near the levels.

Councilman Knapp asked if there is any testing done periodically for malfunctioning.

Craig said his towers can only put out so much power.

Councilman Knapp said the fencing takes into account a malfunctioning of the most power being put out that can be.

Craig said yes.

Kevin Gilligan asked if there aren't different guidelines for non-employees. Our closest residents are either on Groth Rd. or on Route 11.

Craig said they are talking about the fence distance being about 12'.

Kevin said for the workers but what about the non-employees.

Craig said this is for the non-employees. AM waves have a very small affect on heating living tissue because the wavelength is so large.

Councilman Shute said from what he understands, everything is straightened out with the Onondaga Nation.

Craig said yes. That is what held them up for the past year.

Supervisor Scammell asked if there is anything we need to start on this tonight.

Kevin Gilligan said the SEQR has already been done by the Planning Board. The Town Board needs to review the packet of material that was sent and go through the recommendations from the Planning Board and determine what ones they would like to adopt and what ones they feel aren't necessary. One of the things that has been recommended is the agreements to cover some of the issues mentioned in the condition.

Craig Fox said since the last time they were before this Board they have combined the properties. The tower heights are the shortest heights they can use.

The elevation of where the towers will be is about 60' less than where the town tower is located.

Kevin Gilligan said the town tower is 190'.

Councilman Knapp said the lights would be red at night. He asked if there would be strobe lights during the daytime.

Craig said they don't need any lighting during the day as the towers will be painted.

Councilman Bailey asked if it's in the towns best interest to have a reclamation bond, does Craig think he would be interested in signing a letter of intent to accumulate money in this account over a period of time? He knows Craig is trying to start this up new. Would he be willing to sign a letter of intent?

Craig said it would be helpful. It just depends on what the overall cost would be.

Councilman Knapp asked when they would be putting the towers up.

Craig said they really hope to have them up before winter.

Supervisor Scammell said the Board has received a letter from Town Justice Malcolm Knapp.

"Please consider this my official letter stating my intent to retire as Town Justice of the Town of LaFayette effective July 12, 2006. According to the New York State Retirement system, upon resignation, I can be reinstated as Town Justice two (2) days later and still receive retirement. I sincerely request reappointment as Town Justice of the Town of LaFayette to be effective July 14, 2006...."

Supervisor Scammell believes this is so Judge Knapp can begin collecting his retirement.

Councilman Knapp said it's almost identical to what we did for Mrs. Doster several years ago.

Kevin Gilligan said the Board can move to accept the resignation but it cannot reappoint him at this time. You can meet on the 14th or after that at a special meeting to reappoint him. The Board may want to have a special meeting prior to the next Town Board Meeting in August to discuss bonding for the water district. We have to wait 30 days from tonight.

Councilman McConnell asked if you go greater than the two days does it create a problem with Judge Knapp being able to draw his retirement?

Kevin said you don't want to lose any income being a Town Judge.

Councilman McConnell said the minimum time is 2 days, is there a maximum time limit?

Kevin said probably not. If you held the special meeting in a week or so, it would be O.K. This would also allow the Town Board to do the SEQR for the EFC people. This meeting would allow the Town Board to finalize this resolution for the EFC people.

Supervisor Scammell said the Board can set up a date by email.

Councilmen McConnell moved and Knapp seconded the motion to accept Judge Malcolm Knapp's resignation effective July 12, 2006. Motion passed unanimously.

B. NYS Governor George Pataki: Statewide Wireless Network.

“Together we have implemented innovative public safety initiatives combining state and local law enforcement efforts that have helped reduce crime rates across the state to historic lows...”

C. Onondaga County Legislature: Mortgage Tax Apportionments.

Supervisor Scammell noted the Apportionment for LaFayette is \$45,453.46.

D. Onondaga County Department of Health: Lab analysis.

Supervisor Scammell said the water testing for the Town Offices was satisfactory.

E. NYS DEC: Notice of Complete Application.

“The DEC is proposing to renew the Title V permit for Tennessee Gas Pipeline, converting three existing reciprocating gas-fired engines and to authorize construction of two new reciprocating engines. The facility is a major source of hazardous air pollutants, NO_x, CO and VOC. The facility, Tennessee Gas Pipeline Company – Compressor Station 241, is located at 3447 Sentinel heights Road, LaFayette...”

Supervisor Scammell said this has been sent out to the residents in the area and they must respond by the 14th if they have any concerns.

F. PERMA: Senate Bill 5612-B & Assembly Bill 8713-B.

“...When the legislation passes into law, PERMA will be able to move at least \$16 million from the liability side of our balance sheet to the asset side. This change would nearly quadruple our surplus-significantly boosting our financial position and allowing more flexibility in calculating our members’ contributions...”

G. Syracuse Post-Standard, 6.16.06: May employment picture – CNY Has Job Momentum.

“The Syracuse area remained one of the state’s top job-growth centers in May. The State Dept. of labor said Thursday the area – encompassing Madison, Onondaga and Oswego counties – had 4,000 more jobs in May than it did in May 2005. It represented a 1.2 percent gain in jobs, putting it second only to New York City, which had a 1.6 percent increase among the state’s 14 metropolitan areas. Karen Knapik-Scalzo, an economic with the labor Department, said the area’s diversified employment base has helped to give it one of the state’s best job-growth rates. ‘We have a diverse industrial base in the area, and many are growing’, she said. The area’s unemployment rate in May was 4.5 percent, down from 4.8 percent the month before and from 4.8 percent in May 2005. It was the lowest May unemployment rate since 2001...The state’s unemployment rate was 4.4 percent in May...The national jobless rate was 4.4 percent in May...Knapik-Scalzo said the area is experiencing its best job market since 2001, a year in which the area had the most jobs. Employment growth was spread pretty much across the board. The biggest gain came from trade, transportation and utilities sector, which gained 1,200 jobs...The only sectors that lost jobs were manufacturing, information and miscellaneous category of ‘other services.’...”

Supervisor Scammell said because we are more diversified, it gives us strength.

H. NYS ORPS: Tentative equalization rate = 100%.

“On 6/19/2006 the State Board of Real Property Services established a tentative 2006 equalization rate of 100.00 for your municipality. This equalization rate was computed using data from your municipality’s tentative assessment roll...”

Supervisor Scammell said the percentage change is an estimate of full value. This puts us at number 4.

Councilman Knapp asked if that is the growth on property values.

Supervisor Scammell said the growth of full value. We are significantly ahead of most of the other communities.

I. Joseph Heath/Craig Fox, Cram Communications: AM towers, archeological parameters.

“Thank you for providing a copy of the Phase 1A Archeological Background and Literature Review and Phase 1B Field Reconnaissance Report of Six Proposed Radio Tower Locations, with Associated Transmitter Building, in the Town of LaFayette, Onondaga County, New York. I have reviewed this report with Mr. Anthony Gonyea of the Onondaga Nation’s Historic Preservation Office. In the event that any archeological resources or remains, including, without limitation, human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered during project construction, please immediately stop construction and contact me, Mr. Anthony Gonyea..and the New York State Historic Preservation Office...For your convenience, I have attached a copy of the Haudenosaunee Statement on Human Remains. Please append this document to any construction plans associated with the project, to ensure that your contractors are familiar with the correct procedures in the unlikely event that human remains are encountered during construction. We are grateful to you for consulting with the Onondaga Nation, in light of the highly sensitive location of your project on the border of the Onondaga Nation’s currently recognized territory. We view the consultation relationship as an ongoing one, and would be grateful if you would keep Mr. Gonyea and this office informed of the construction schedule for the project as it moves forward...”

J. Selective Insurance: Loss control visit 5.254.06 & Handbook for Public Playground Safety.

“This letter is to confirm my visit on the above date in conjunction with property, liability, and vehicle coverage provided by Selective Insurance. As a result of my survey, I identified exposures that need attention to improve the safety of your operation. The following recommendations are made to assist you in that endeavor...Protective surfacing is required around all playground equipment to reduce injury potential of a fall within the use zone for each play event...Safety surface should be provided in the use zone of any to-fro swing sets measured twice the vertical distance from the safety surface to the pivot point of the swing extending front to rear from a point directly beneath the horizontal swing support bar...At Bailey Park, the difference between the minimum and maximum radii of the non-circular platform of the merry-go-round exceeds the standard of 2”...All participants in Town of LaFayette sponsored recreational or sports programs should be required to sign and submit a waiver and release of liability agreement before being allowed to participate in the Town recreation programs...”

Supervisor Scammell said Leon Cook has submitted the Safety Committee's response to this report dated 7/6/06 as well as the cost to fix each item.

Leon Cook said the cost to use stone right now is \$640/ton. It would cost \$3,731.20 to place rounded stone around the playground equipment which requires protective surfacing. To make the merri-go-round legal at Cardiff, it would cost \$242 for the wood. It will cost \$432 to fix the one at Stafford Park. The Safety Committee recommends submitting a 2-year plan instead of trying to do it all right away. You have 4 more days to answer to Selective Insurance and let them know what we plan on doing. The Safety Committee had a question for the lawyer regarding the waiver. This would be quite an ontaking if we have to get a waiver from anyone using the facility.

Kevin Gilligan said this has to do with participants in the lacrosse, soccer, etc. programs. It's not for anyone who just goes down to use the playground. He asked if there is any group that just uses the playground.

It was noted Mrs. Oliver's program uses the playground at the Beach.

Kevin said it's usually recommended but its effectiveness is not all that great. He asked if the waiver isn't already part of the requirement forms that Regina hands out.

Leon Cook said the Safety Committee came up with the 2-year plan and stated what they would fix first.

Councilman Shute said the Stafford Park stuff should be in the second year as the equipment may be changing.

Councilman McConnell asked if this was spread out over 2 years because of the cost or the effort to do the repairs.

Leon said both.

Councilman McConnell asked if he thought Selective Insurance would be O.K. with a 2-year plan.

Leon thinks the representative would. He said in the handbook that the representative gave him it says these are only recommendations and not under state law.

Councilman Shute said for now we can send a letter stating we are proposing a 2-year plan. It doesn't bind us to anything.

Councilman McConnell asked what Tom Rezsnyak thinks about this. Does he agree with the recommendations from Selective Insurance?

Leon said it's in the handbook. Leon visited the school and talked to the maintenance people over there. They have one playground area done with bark and chips. Every year they have to add to it. The other playground is put in with #1 round stone. That is what the Safety Committee is proposing. They don't have to add to this year after year. It stays there. They suggested going with stone.

Supervisor Scammell said so he needs to respond that we have a 2-year plan.

Councilman McConnell would suggest that we are considering a 2-year plan. The handbook states they urge us to use this handbook.

Leon said everything was O.K. but the playground equipment. The representative had recently spent 6-8 weeks in school for playground equipment. He said we haven't been inspected by the insurance company since 1992.

Councilman McConnell asked if he suggested a benchmark playground that we could go look at.

Leon said no. He just handed him the handbook. Otisco has a park and their insurance company wrote them up. There Highway Superintendent said they are due for

another inspection and expects to have more things their insurance company wants them to do. This park equipment has been down there since at least 1981. It's been fine up until this year. Our swings are 10' where the chains hook on so swinging forward and backward is 20' which must be covered with the protective surface.

Councilman McConnell said he was down to Bailey Park today and there is some new mulch there.

Leon said that is from the Boy Scouts project last year.

Councilman McConnell said the mulch by the swings has been dispersed.

Leon said that is why he recommends the # 1 stone.

Supervisor Scammell said we could advise the cost of this and that it will be considered at budget time to decide how much we can fix this year and how much we can fix next year. We have a plan but right now it's \$4,000 we hadn't planned on spending this year.

Councilman McConnell said Tom Rezsnyak is the Safety expert for us and he would like to know if he agrees with this.

Councilman Knapp said he would be interested in this too as Tom Rezsnyak has inspected these things each year.

Leon said the Safety Committee would like to know how much of this stuff could be done by the Optimist Club.

Councilman Knapp said with labor and maybe some financing.

Leon said he can't get into some of the stuff with his equipment.

Councilman Knapp said some of the guys in the Optimist club have smaller equipment that might be able to get close enough to the playground equipment that Leon can't get to.

Councilman Bailey asked if there are other towns with some smaller equipment.

Leon said no.

Councilman Knapp said the Optimist Club has put down the mulch before so he knows they will help with the stone.

Leon said after Supervisor Scammell writes to Selective Insurance, we will see how fast we have to do the work.

Supervisor Scammell will send an email stating we have a plan and will see at budget time if we have the \$4,000 or what we will have for next year.

K. Jamesville Fire District Board of Commissioners Chairman Ron Witty:

Letter of support for water district and hydrants.

"The Board of Fire Commissioners of the Jamesville District would like to send a notice of support to the Town of LaFayette in support of the water line project for the area of Apulia Road, West Shore Manor, and Cook Farm Rd. Hydrants off this line would be extremely beneficial to the Fire Department in the extinguishing of a fire, if there should ever be the need..."

L. Onondaga County Department of Emergency Management: NIMS FFY06 compliance.

"As previously reported to you at our presentations at the Supervisors Association and mayors Association meetings, and at our local Government Workshops, the New York State Office of Homeland Security has created an 'Implementation Strategy' for

all of New York's first responder agencies (including fire, law enforcement, hazmat, emergency medical, public works, public health, emergency communications, emergency management, local government and other agencies involved in disaster preparedness, prevention, response and recovery activities). This Strategy specifically identifies the requirements of local governments and their first responders on how to become compliant during FFY06 with the National Incident Management System (NIMS). I have been designated as the point-of-contact for NIMS on the county level. Future Federal and State funding for homeland security purposes will now be tied to compliance with NIMS. Federal guidelines mandate that any jurisdiction which receives federal preparedness program funds (often administered through a state agency) is required to be NIMS-compliant by September 30, 2006 in order to be eligible for FY 2007 grant funds. Important information concerning the New York State NIMS Implementation Strategy, links to other NIMS information sites, along with those requirements that must be met by Sept. 30th, can be found at the following website..."

Councilman Bailey said this is going to be a compelling issue with municipal compliance. You will have to be involved in it to be eligible for the federal funding. He can research the online training some more and be sure the town is enrolled and be sure LaFayette is in the loop.

Councilman Knapp asked what we would use the money for.

Councilman Bailey said it's reactionary to a disaster. It tends to expedite the process.

M. CNY Community Foundation: Grants for Green Spaces Award - \$750.

"Grants for Green Spaces – build a pavilion at Cardiff Park using neighborhood volunteer labor....The Central New York Community Foundation is pleased to make the following grant award to support the proposed project listed above. A check for \$750 from the Grants for Green Spaces Fund is enclosed. The Grants for Green Spaces program is specifically geared toward the improvement of neighborhood environments while maximizing the skills, capabilities and resources available in the area. Through targeted initiatives, we believe that neighborhood-based groups can become effective catalysts in improving the quality of life and vitality of our neighborhoods. As a part of the Community Foundation's ongoing assessment of its grant making, the recipient organization is asked to submit a final report no more than one month after the completion of the proposed initiative. A report form is enclosed for your convenience. In accordance with IRS regulations, no goods or services may be provided to any individual in consideration for this grant..."

Supervisor Scammell thanked Councilman McConnell for his hard work in getting this funding for us.

Councilman Knapp said so we have \$750 and we can use that for basically materials and then we supply the labor. He thanked Councilman McConnell for this too.

N. NYS PSC: "Have an Energy Smart Summer".

"We need your help to let residents and businesses in your community know about this summer's electricity outlook. When the temperature goes up, so does the

demand for electricity. We want New York's electric consumers to know what they can do to reduce their energy use and manage their energy costs when temperatures rise..."

**O. NYS Department of Health & Environmental Facilities Corporation:
Drinking Water State Revolving Fund.**

"The New York State Department of Health (DOH) and the New York State Environmental Facilities Corporation (EFC) have prepared a draft Intended Use Plan (IUP) for the Drinking Water State Revolving Fund (DWSRF) program for public review and comment. This draft IUP includes drinking water supply projects, for both municipally owned and privately owned public water supply systems, eligible for financing between October 1, 2006 and September 30, 2007..."

Supervisor Scammell said we are in the Q for this.

P. Onondaga County Legislature: 7.5.06 agenda.

Supervisor Scammell said he didn't see anything in her of interest for LaFayette.

Q. Syracuse Post-Standard: Worst Outbreak in 50 Years Winding Down (Tent Caterpillars).

"As this spring's feeding frenzy by forest tent caterpillars comes to an end across Central New York, scientists say the scale of the cyclical outbreak is now abundantly clear. At least 80,000 acres in Central New York are heavily defoliated by what is now the worst infestation in more than 50 years, scientists say. 'This is definitely the largest outbreak in the Northeast since 1953,' said Dylan Parry, an entomologist at the State University College of Environmental Science and Forestry in Syracuse. 'I have data that goes back to 1870, and with only two exceptions we've had an outbreak every 10 to 11 years,' Parry said. 'And this is a big one.'...heavily infested areas such as the Tully Valley south of Syracuse have an estimated 7 million caterpillars per acre. On the low end, entomologists have found about 1 million caterpillars per acre in the current outbreak. Parry's surveys this past week showed that most of the caterpillars have finished making their silky cocoons, beginning their metamorphosis into moths. The moths will emerge in July and each female will lay up to 250 eggs...Help is on the way by a friendly fly...'They are probably the single most important enemy of the forest tent caterpillar', Parry said. 'In some cases, I've seen up to 90 percent of cocoons parasitized by that fly.' Large numbers of the flies have already started preying on the cocoons in the Tully Valley and at Cranberry Lake...he said the fly population typically is a generation behind the caterpillars, but eventually catches up. It helps end the three-year boom cycle for the caterpillars. The New York invasion began in 2002 in St. Lawrence County and spread across the state. Last year, the caterpillars defoliated 650,000 acres statewide...A tree was classified as heavily defoliated if at least 75 percent of its leaves were eaten. The State DEC plans to conduct aerial surveys again this summer to assess the damage, but those surveys have not yet begun...Parry said he has seen evidence of a declining forest tent caterpillar population in the North Country and Adirondacks...Since those areas are likely to see plenty of moths and eggs by the end of July, there are still steps property owners can take to cut down on next year's caterpillar crop...One of the easiest things that homeowners can do is cut off the twigs with eggs on them, Adams said...If arborist are contacted before the trees leaf out in spring, they can use a pesticide

made from a fungal derivative, Adams said. Otherwise, she does not recommend trying any pesticide treatments this season. ‘By treating trees now, people might destroy a few caterpillars,’ Adams said. ‘But damage is done. And they’re killing natural enemies such as the (friendly) flies. So it’s not a good idea. In the meantime, EF researchers will be out in forested areas counting masses of eggs to come up with a population estimate for next year. Parry and his team of researchers also will collect cocoons to estimate what percentage have been attacked by the fly...Parry said not trees will survive two or three years of defoliation. He said there is no single explanation for why the current outbreak is so large...’We may never see an outbreak like this again in our lifetime,’... ‘Alberta is one of the most hard-hit provinces for forest tent caterpillar outbreaks’, Parry said. ‘They’re on a scale unlike anything we see here. On a bad year, they get 6 to 10 million acres of defoliation...’

Supervisor Scammell said the good news is there are a ton of trees releasing now.
Councilman Knapp said there are a ton of the flies out too.

R. NYS Department of State: Support Code Enforcement & Fire Officials.

‘I write this letter in support of your Code Enforcement and Fire Officials. As you know, major revisions to New York’s Building, Fire Prevention and Energy Codes have taken place in the past few years. These revisions are based on the International Codes, published by the International Code Council (ICC). Your Code Enforcement and Fire Officials enforce these codes for the safety and welfare of your community...To improve the safety and welfare of our communities, I ask that you support your Code Enforcement and Fire Officials’ attendance at the ICC conference and hearings this September and the final action hearings next May. These events are critical to the ongoing development of New York’s codes, and will provide your Code Enforcement and Fire Officials with valuable information to assist them in serving your community more efficiently and effectively...’

S. PERMA: S.5612B & A.8713B passed.

‘The new law will increase PERMA’s assets by \$16 million...’

T. OCWA: New Water Main on Jeremy Lane, Roberts Drive & Hedgerow Lane.

This notice is to advise you that Onondaga County Water Authority (OCWA) will be installing a new water main along your street, and that existing services will be connected to the new main. OCWA is undertaking this project to provide our customers with increased fire protection and a reliable domestic water supply. The existing smaller main will be retired...During the construction of this project some lawns and driveways will have to be dug up...’

Leon Cook submitted a work permit that must be signed by the Town Board.

Councilman Knapp asked if the district gets charged for this.

Kevin Gilligan said that is internal OCWA stuff. It looks like they are upgrading some piping.

Councilmen Knapp moved and Bailey seconded the motion authorizing the Supervisor to sign the work order. Motion passed unanimously.

U. NYS DEC: Lead agency coordination for Northeast LaFayette Water District.

“This letter responds to your communication of June 13, 2006, regarding Lead Agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review: - SEQR) of the Environmental Conservation Law (ECL) and 6 NYCRR part 617. The Department has the following interest in this project:

Name of Action: Northeast LaFayette Water District and Improvements/Repairs (including change in water purveyor) to Coye Road (a/k/a Smokey Hollow) Water District...

V. NYS Comptroller Alan Hevesi, Department of Audit & Control: Northeast LaFayette Water District granted.

“Application of the Town of LaFayette, Onondaga County, New York, for permission of the State Comptroller to establish Northeast LaFayette Water District in said town, pursuant to Article 12 of the Town Law...NOW, THEREFORE, pursuant to such examination and upon such application of the town board of the Town of LaFayette, the undersigned does hereby find and determine after due deliberation:

- (1) That the public interest will be served by the establishment of Northeast LaFayette Water District in the Town of LaFayette in accordance with such application.
- (2) That the cost of the proposed district will not be an undue burden upon the property therein...”

Councilman Knapp said this is basically it.
Supervisor Scammell said yes, this is done.

W. Other.

7. **SPECIAL REPORT**. None

8. **REPORTS**.

A. DEPARTMENTAL (4th Monday).

- 1) **Assessors: Mary Doster, Marshall Taylor & Jim Munnell.**
 - **Town wide property revaluation.**
- 2) **Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.**
 - a) **2300 – 2330 Route 11 South, across from LaFayette Rural Cemetery, numerous violations.**
 - b) **Route 11N (just north of town offices) – 2 autos, visible from LPL parking lot, spring removal.**
 - c) **2805 Route 11A. Business in A-R.**
 - d) **Smoldering fire from razing of structure south of 3739 Eager Road.**

- e) **Junk complaint at 3903 Eager Road.**
- f) **3649 Coye Road.**
- g) **Apulia Road – various violations south of Jville Rez.**
- h) **July newsletter article (BM).**
- i) **3231 Webb Road. Four junk vehicles.**

Supervisor Scammell said some of these may be resolved.

Supervisor Scammell complimented Councilman McConnell on his newsletter article on junk vehicles

3) Dog Control: Jim Moore & D. Scholes.

Councilman Knapp said if you remember the situation in Cardiff with the neighbors regarding the pit-bull that was adopted by the resident through the local adoption program and it was an aggressive dog that killed a cat at the time and scared the neighbors, they came into court and some conditions were set. Apparently the conditions were not met and the dog got loose and apparently bit someone. They were called back into court and didn't appear. A bench warrant was issued. The dog has been moved to the Onondaga Nation so right now the situation is better. The Justice Dept. was very complimentary of Jim Moore's conduct and responsiveness.

Supervisor Scammell said that is nice to hear.

4) Highway Superintendent: Leon Cook.

a) **Persse Road: barricade relocation proposal sent to Sue Meyer(s?).**

b) **Town signs.**

c) **Cabinet transfer to Community Council.**

Leon Cook said they have been mowing the 40 acres every week. They have mowed the roadside completely once and are ½ way around the second time. They cut brush on Smokey Hollow that was out in the road. They have put in 4 new driveway pipes. They finished oiling today for their first section of oil and stone. They did Summer Ridge, Markland, Scammell, Sugarbush, Maple Grove and Watson Circle. It was just under 3 miles. He is not going to be able to do as many miles of oiling and stoning as they figured when they did the budget due to the cost of material. Oil is almost twice as high as it was last year.

Councilman Knapp asked if he would just be trying to hit some bad spots.

Leon said yes.

Councilman Bailey said he read in the newspaper today that there's a rumor about some kind of site improvement on LaFayette Rd. where it comes into Barker hill as it heads north.

Leon said they have had two serious accidents up there. They are county roads. He thinks they are only clearing the roadside. They will have to get onto private property.

Supervisor Scammell asked who owns the property.

Leon said he doesn't know.

5) Justice Court: Malcolm Knapp & Maureen Perrin.

6) Library Director: Scott Kushner.

7) Recreation Director: Regina Reinschmidt.

8) Tax Collector: Teresa Mech.

9) Town Clerk: Mary Jo Kelly.

a) Board of Elections contract.

Mary Jo would recommend signing it for one year and sending a letter stating until costs are determined for next year, we aren't comfortable signing it through 2010.

Councilmen McConnell moved and Bailey seconded the motion to make a change in the agreement from 2010 to 2006 for the primaries and election this year. Motion passed unanimously.

Kevin Gilligan said maybe by next year when they send out the 2007 agreement, the expenses will be shaken out.

b) June Monthly Report.

A written report was submitted.

c) Miscellaneous Cash Report.

A written report was submitted.

10) Town Supervisor: Greg Scammell.

a) Intermunicipal Shared Services/Cooperation & Consolidation, 2005 Onondaga Citizens League study (published May, 2006), Southern Onondaga County towns.

b) Shared Municipal Services Incentive Grant Program, 10% matching.

c) '07 budget – deferred items (none).

d) Signage options at Route 11 & 20.

e) Onondaga County Supervisors Association: Sales Tax & Pyramid (R. DeMore) – referred to Tom Chartrand.

Supervisor Scammell said he had Tom Chartrand take a look at this and Tom said there will be no impact on the town taxes.

A written report for June was submitted.

B. COMMITTEE (2nd Monday).**1) Agriculture (DK/MK).****2) Communications & Technology (MF/PK/MK/MT/GS).****a) Town Website. June & July reports.**

Supervisor Scammell noted an email from Mike Forte advises all Minutes are up-to-date as provided. Community Council soccer camp form has been added. Community Council directory listing has been updated. The water weed month press release has been posted.

b) Transition to Digital Towpath.

- **Parallel operations.**
- **Website – townoflafayette.org (now is townoflafayette.com). Secure additional .gov?**
- **Town email addresses (tolxxxxx@aol.com to tolxxxx@??) – conversion & new.**
- **File transfers.**

3) Economic Development (BM/GS).**a) LaFayette Hotel.****b) Focus 2010.**

Councilman McConnell said they met May 5th. He supplied minutes of this meeting to everyone. They will meet again July 25th.

4) Emergency Response (TB/BM).**a) LFD exhaust vents – '06 AFG grant submitted (TB).****b) Onondaga County Department of Communications - OCICS.****c) NYS PSC – TSP (Telecommunications Service Priority) (BM).****d) Pandemic/Avian/Bird Flu.****e) NIMS compliance.**

Supervisor Scammell thanked Councilmen McConnell and Bailey for their disaster preparedness article in the LaFayette Newsletter.

Councilman McConnell said it was in collaboration with the Fire Dept.

5) Employee Policies & Benefits (MK/AS/MD).

- **Implement employee-share healthcare premium increase.**
- **Optional employee paid benefits.**

6) Environmental & Conservation Advisory Board (RB, BF, KF, WG, EG, NM).

- **Spring newsletter – property owner options for Tent Caterpillars.**

Councilman Knapp said at the early onset of the tent caterpillars, there was some aerial spraying in Cardiff and we got some calls from the residents about notification. He talked to John Langey who said basically aerial spraying is regulated by the state. We don't really have much leeway to do anything.

Kevin Gilligan said he watched the guy spraying all that morning. The state does regulate this.

Supervisor Scammell asked what his assessment was of the spraying.

Kevin thinks it looks like it weathered better than the area that didn't get sprayed.

- **SPDES – NYS DEC proposed regulations.**
- **SPDES subcommittee – tba.**

7) **Highway (PP/LC/DK/SP/JG).**

a) **Long term capital equipment forecast.**

b) **Road maintenance schedule.**

c) **Computer terminal in highway garage.**

e) **Multimodal/CHIPS funding.**

Pete Paul said they will be meeting to work up some numbers for budget time.

Supervisor Scammell said he spoke to Senator DeFrancisco's Office today who advised it's looking good for us. He thanked Leon Cook for this.

8) **Physical Plant (HS/DK/BM).**

a) **Heating/Cooling system alts & new temperature controls, bid, Clay Smith, P.E.**

Councilman Knapp said Fred Groth has been stopping in every time it rains to check the library. There hasn't been a repeat of the leak yet. He also gave them his cell phone number so if they do detect something, they can contact him and he can get there quickly.

b) **Energy usage reduction program, MEGA & town buildings (BM).**

c) **Motion sensors (BM).**

d) **LPL ceiling leak returns.**

9) **Recreation & Youth (DK/AS/RR).**

a) **Marion Bailey Park.**

1. **Pavilion - local estimates, future park design.**

2. **Install grills – Spring, '06.**

Councilman Knapp said they were ready to do the grills but then the grant money came in for the pavilion so they decided to hold off until they knew where the pavilion would be so they'd know where to place the grills.

b) LaFayette Beach.

1. Evaluate survey/transfer LaFayette Beach from LCC to town.

2. Roof/cover over sandbox (Herb Salladin). Bids. (DK).

Councilman Knapp said he has been talking to Herb Salladin about the sandbox. He went down and looked at it today. The side-posts are already up. Herb said he saw a setup down at the Apulia Fire Barn that was perfect. Councilman Knapp is going to take a look at that one to see if they can do something to solve the problem.

3. Repair/move lacrosse box.

4. Trash pickup.

c) Fred Stafford/Optimists Park.

1. Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.

- Tully-\$12k – materials only (all volunteer labor).

2. Bird problems – remove light (see PP) (DK).

3. Pavilion trash.

Councilman Knapp said the dumpster got moved down to the other end where it has traditionally been which he thinks has helped.

Supervisor Scammell asked if trash pickup as begun at the Beach. Councilman Knapp thinks it has.

d) Park designs.

- Parkitects.

Councilman Knapp said the lacrosse program is up and going. Everyone is having a very good season so far.

10) Safety (TR/AS/LC/RR).

- Electrical work list.

Councilman Shute said there were a few problems at the Beach. He has been out of town and will look into this.

- Selective Insurance response due 7.14.06.

11) School District liaisons (BM/PP).

12) Senior Transportation & Housing (BO/GS).**13) Service Awards (BM/DK/LP/NV).**

- **Firefighters Tax Exemption Law (Onondaga County Supervisors Association memo).**
- **Requirements for service awards & tax exemption reconciliation.**

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

- **Prevailing wage impact.**

15) Water (GS/PP).

- U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan complete, seeking nonfederal (NYSDEC) cosponsor for 33% share of \$7.2M.**
- Northeast LaFayette Water and Smokey Hollow Service Improvement districts.**
 - **Grants & long term, low interest loans (RD & EFC).**
 - **Letter to Dale Sweetland, Onondaga County Legislature Chairman – complete.**
 - **NYS Comptroller’s Office – approved.**
- Coye Road Water district – new hydrants at Jeremy & Roberts (JFD evaluation).**
- Hamlet drainage study – request submitted to NYS DOT.**
 - **NYS DOT notified of subsidence behind M. Amidon’s property.**
 - **6.6.06 NYS DOT meeting @ Grimshaw Elementary School.**
- OCWA – Coye Road Water District hydrants at Roberts Drive & Hedgerow Lane.**
 - **Support letter from JFD.**

16) Zoning Review (GS/MK).

- Jamesville Reservoir Preservation District/JRPA change.**
- New instruction sheet for subdivision, variances & controlled site approval (note riparian rights/drainage, SOCPA meets every 3 weeks, public notification of neighbors, applicants without counsel/surveyor/engineer, meeting frequency, include Onondaga County subdivision filing requirements, riparian rights) .**
- Corridor Plan.**
- Digitized zoning map, correction & amendments.**

- e) **Density (rezoning from A-R to Rn).**
- f) **Manufactured/Mobile/Doublewide homes.**
- g) **11/20 signage for local businesses.**

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

A. Onondaga Nation land claim & land rights.

Kevin Gilligan said there is nothing new on this.

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

• **NYS Supreme Court rules in town's favor.**

Kevin Gilligan said Mr. May is filing a Notice of Appeal.

Supervisor Scammell asked how long this might take.

Kevin said at least the rest of the year.

Supervisor Scammell asked the longest it could take.

Kevin said a year.

Councilman Knapp asked if there is a mechanism to do some kind of cross complaint to go after legal fees the town has incurred.

Kevin said no. .

C. Robert Shute – Route 11 – Judge Gideon, Town of DeWitt Court rules in town's favor, 5.16 sentencing. 6.27 next court date.

Kevin Gilligan said if it isn't cleaned up, he knows Mr. Shute will get hit with a \$10,000 fine.

10. **UNFINISHED BUSINESS & ACTIVE PROJECTS.**

A. Crime coverage – review of town books (TC).

B. Community Development Grant app.

1) **Water district.**

2) **Water district hookups.**

3) **Park designs (SU &/or playground equipment manufacturers- Parkitects)**

➤ **Bailey Park.**

➤ **LaFayette Beach.**

➤ **Stafford Park.**

4) **Neighborhood/Transportation infrastructure.**

C. Groth Road Communications Tower – neighboring towers & wireless carriers(Velocity).

Kevin Gilligan said signoffs were received by the tenants on the tower. One thing we had asked Velocity for is some sort of document that assigns the site to Cingular. Right now our agreement assigns the site to AT&T. The lease allows up to 10-12 antennas. Moving from 3 to 6 is well within the lease requirements.

Councilman Knapp asked which site will they upgrade? Will it be the Cingular or the AT&T site?

Kevin said Cingular bought AT&T which is the lowest tenant on the tower. The other thing he has suggested is when they are actually there doing the work, to verify the separation between the AT&T site and the one above it which is Nextel.

Councilman Knapp said they basically want to add 3 antennas.

Kevin thinks they want to take down what is there and put up a total of 6 antennas.

Councilman Knapp moved and Bailey seconded the motion to approve the modifications to the AT&T/Cingular site in accordance with their application subject to:

- 1) **Cingular does control the AT&T site.**
- 2) **When they are doing work, they will verify the distance or separation between their site and the site above them.**

Motion passed unanimously.

D. SPDES – MS 4 Phase II, in kind.

- 1) **New NYS DEC TMDL requirements (JD).**
- 2) **NYS DEC letter (GS) – complete.**

E. Onondaga County: proposal for centralization of tax collection.

F. NYS Department of Labor: prevailing wage rates (KG).

Councilman Knapp said this may have an impact on the municipal trash agreement.

Supervisor Scammell asked when the contract comes up again.

Councilman Knapp said we have to do it this year for next year. They are working on the legal aspect of this now.

Supervisor Scammell asked if they do have to comply, is there any sense of what the rates would be?

Councilman Knapp thinks it would push it to be a one-man operation where the driver is also the thrower. It might force them to do this all over.

Supervisor Scammell asked what a person might make for being the driver/thrower.

Kevin said \$18/hour. They are basing everyone on the driver's rate.

Councilman Knapp said the state is classifying the throwers as drivers so it forces them to be paid \$18/hour as well.

G. CNY Community Foundation - Grants for Green Spaces.

- **Stafford Park: Community Council – LaFayette Beach (AS, RR) – submitted and approved**

- **Bailey Park: Boy Scouts (BM) – estimates in process. Authorize CNY CF contract signing.**

Councilman McConnell said the total estimate with Ted Amidon for the pavilion at Bailey Park is \$2,400. The grant is for \$750 for materials. These materials must be put up by neighborhood members. He is working with members in the neighborhood to help with this. Materials are \$1,200 which leaves \$450 outstanding. Ted has reduced the labor to \$500 as the neighbors will help which reduces the cost to the town to \$1,000. Ted will get all the material for us and we'll be billed for it. He would like to be authorized to spend up to \$1,000 to finish the project prior to the next meeting.

Councilmen Knapp moved and Shute seconded the motion to authorize up to \$1,000 be spent for the remainder cost for the pavilion at Bailey Park. Motion passed unanimously.

Councilman Knapp moved and Shute seconded the motion authorizing Councilman McConnell to sign the contract with the CNY Community Foundation. Motion passed unanimously.

Councilman Knapp asked how they know the \$750 is spent correctly.

Councilman McConnell said he must take pictures of the neighborhood helping and send them to the CNY Community Foundation.

Councilman Shute said they submitted a grant application to CNY Community Foundation too. The funding was for the materials and the only funding the town would be doing is for labor. He hasn't heard anything about the grant request he submitted yet. If he gets the funding, they would be using it to fix all the bleachers at the ballfield.

H. Town Investment Policy.

This can be removed from the agenda.

- I. Other – summer/fall meeting schedule: June 12th, July 10th, August 21st, September 11th.**

11. NEW BUSINESS.

Councilman Knapp moved and McConnell seconded the motion that the Town Board has reviewed Cingular's request to renegotiate the lease regarding payments and has determined not to at this time. Motion passed unanimously.

Councilman Knapp said the list Tom Chartrand submitted of expenditures reflects what we have spent to date regarding the water district.

Supervisor Scammell said this is the total of bills and we have not paid all of them.

Kevin Gilligan said the \$92,000 includes the survey and archeological study costs that have not been spent yet. This ties into doing the short-term bonding which we are ready to do tonight. He thinks the concept is that at the August Meeting or at the Special Meeting the Town Board might hold, the Town Board could authorize this. This would cover bonding for the outstanding bills, the archeological study could begin, and the

survey could begin, etc. It gives you some seed money to move forward until funding becomes available.

**FINAL RESOLUTION AND ORDER OF THE TOWN BOARD OF
THE TOWN OF LAFAYETTE APPROVING THE ESTABLISHMENT OF
THE NORTHEAST LAFAYETTE WATER DISTRICT, IN
THE TOWN OF LAFAYETTE, COUNTY OF ONONDAGA, NEW YORK,
PURSUANT TO ARTICLE 12 OF THE TOWN LAW**

WHEREAS, a Resolution was duly adopted by the Town Board on March 13, 2006 approving the establishment of the Northeast LaFayette Water District, in the Town of LaFayette, County of Onondaga, New York, pursuant to Article 12 of the Town Law subject to approval of the New York State Comptroller is required pursuant to Town Law Article 12; and

WHEREAS, said March 13, 2006 Resolution duly found and determined that the creation of the Northeast LaFayette Water District and construction of improvements therein would have no significant adverse effects on the environment such that a negative Declaration under the State Environmental Quality Review Act was approved; and

WHEREAS, said March 13, 2006 Resolution determined that (a) the petition aforesaid was signed and acknowledged or approved as required by Law, it duly complied with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed District extensions as approved therein and was otherwise sufficient; (b) that all of the property and property owners within the proposed District extension were benefited thereby; (c) all property and property owners benefited were included within the limits of the proposed District; and (d) it was in the public interest to grant in whole the relief sought; and

**WHEREAS, the District was bound and described as follows:
See Schedule "A"**

and;

WHEREAS, a copy of the Resolution and Order of the Town Board of the Town of LaFayette adopted March 13, 2006 is attached hereto and made a part hereof; and

WHEREAS, on or about June 27, 2006, the Office of the State Comptroller Alan G. Hevesi (by mark P. Pattison, Deputy Comptroller) granted its permission for the creation of the Northeast LaFayette Water District pursuant to Town Law Section 194; and

WHEREAS, pursuant to Section 194(5) it is provided that if the State Comptroller shall grant permission for the creation of the Water District, the Town Board may adopt an Order establishing the District or extension as the boundary shall be finally determined;

NOW, THEREFORE, on motion of Councilman Bailey, seconded by Councilman Knapp, it is

ORDERED, RESOLVED AND DETERMINED that the creation of the Northeast LaFayette Water District and construction of improvements

contemplated therein is hereby established as originally and conditionally approved on March 13, 2006; and it is further

ORDERED, RESOLVED AND DETERMINED, that the Town Clerk is directed to cause a certified copy of this Determination and Order establishing the Northeast LaFayette Water District to be duly recorded in the Office for the County Clerk of the County of Onondaga within ten (10) days of adoption of this determination; and it is further\

ORDERED, RESOLVED AND DETERMINED, that the Town Clerk shall cause a certified copy of this Resolution be filed in the Office of the State Department of Audit and Control in Albany, New York all pursuant to Section 195 of the Town Law; and it is further

ORDERED, RESOLVED AND DETERMINED, that this Resolution and order shall take effect immediately.

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

Gregory Scammell	Supervisor	Voted	Yes
David Knapp	Councilman	Voted	Yes
Thomas Bailey	Councilman	Voted	Yes
William McConnell	Councilman	Voted	Yes
Adrian Shute	Councilman	Voted	No

The foregoing order was thereupon declared adopted.

SCHEDULE A

Proposed

Northeast LaFayette Water District Boundary

Town of LaFayette, Onondaga County, New York

November 17, 2005

Beginning at a point on the easterly boundary of the Town of LaFayette Coye Road Water District, also being the centerline of Apulia Road, said point being an approximate distance of 1,550 feet south from the Town of LaFayette/Town of Dewitt municipal boundary as measured along the road centerline.

- 1. Thence easterly across the highway right-of-way and across the New York Susquehanna and Western Railroad right-of-way to the intersection of said right-of-way with the easterly property line, tax parcel 01-05-8.1 (Hullar N/F), an approximate distance of 135 feet more or less, said point also being the shoreline of Jamesville Reservoir as defined by the State of New York "Blue Line";**

2. **Thence southerly along said shoreline, an approximate distance of 3,900 feet, more or less, to a point on tax parcel 01-05-07 (Onondaga County Parks, N/F), said point being approximately 380 feet more or less, south of the southeast property corner of tax parcel 01 - 03-1.1 (B&B Family N/F) as measured along said shoreline;**
3. **Thence due west across said County Parks parcel, an approximate distance of 790 feet more or less, to a point on the easterly right-of-way of said railroad right-of-way;**
4. **Thence southerly along said railroad right-of-way an approximate distance of 3,040 feet more or less to it's point of intersection with the northerly right-of-way boundary of said Apulia Road;**
Thence easterly along said northerly highway boundary and along the northerly boundary of tax parcel 05-05-8.9 (Onondaga County Parks N/F) to a point 300 feet easterly of the easterly boundary of said Apulia Road;
6. **Thence southerly along a line parallel to Apulia Road, an approximate distance of 7,060 feet more or less, to a point said point being 300 feet southeasterly of the southerly right-of-way boundary of Palladino Road, said point being in tax parcel 006.-04-03.2 (Albanese N/F);**
7. **Thence westerly in a line perpendicular to said Apulia Road, an approximate distance of 690 feet more or less, to a point on the westerly boundary of said railroad right-of-way;**
8. **Thence northerly along said railroad right-of-way, an approximate distance of 7,090 feet more or less, to an intersection point with an easterly extension of the northern property line of tax parcel 05-05-8.6 (Naumann/Barrett N/F');**
9. **Thence westerly along said northerly property line extension and property line to a point, said point being 300 feet perpendicular westerly of Cook Farms Road;**
10. **Thence northerly along a line parallel to Cook Farms Road and Apulia Road, an approximate distance of 5,220 feet more or less, to an intersection point with a southerly boundary of said Coye Road Water District boundary;**
11. **Thence easterly along said water distance boundary, an approximate distance of 330 feet more or less, to a point on the centerline of said Apulia Road, said centerline also being the easterly boundary of said water district;**

- 12. Thence northerly along said road centerline and said water district boundary, an approximate distance of 1,250 feet more or less to the point of beginning;
- 13. Excluding the portions of tax parcels 01-04-28.1 (Naumann N/F), 01-04-39.2 (Stach N/F) that are within aforementioned described boundary.

RESOLUTION OF MARCH 13, 2006

At a Regular Meeting of the Town Board of the Town of LaFayette, Onondaga County, New York, held at the Town Hall, located at 2577 Route 11, in said Town, on March 13, 2006 at 7:00 p.m.

The meeting was called to order by the Supervisor, and upon roll being called, There were:

PRESENT:	Gregory Scammell David Knapp Thomas Bailey William McConnell Adrian Shute	Supervisor Councilman Councilman Councilman Councilman
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**RESOLUTION AND ORDER OF THE
TOWN BOARD OF THE TOWN OF LAFAYETTE
ADOPTED MARCH 13, 2006 APPROVING THE
ESTABLISHMENT OF THE NORTHEAST LAFAYETTE WATER DISTRICT, IN
THE TOWN OF LAFAYETTE, COUNTY OF ONONDAGA, NEW YORK,
PURSUANT TO ARTICLE 12 OF THE TOWN LAW.**

WHEREAS, the Town Board of the Town of LaFayette (the ATown Board@ and the ATown@, respectively), in the County of Onondaga, New York, has received a petition, dated February 24, 2006, pursuant to Section 191 of the Town Law, for the establishment of the Northeast LaFayette Water District, (the ADistrict@), which petition is signed by the owners of taxable real property situate in the proposed District, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed District, as shown upon the latest completed assessment roll of said Town, and including the signatures of resident owners of taxable real property owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed District, owned by resident owners according to the latest completed assessment roll; and

WHEREAS, said petition purported to describe the boundaries of the proposed District in a manner sufficient to identify the lands included therein as in a

deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed District is bounded and described as follows:

See Schedule AA@

and;

WHEREAS, following preparation of a map, plan and report Dunn & Sgromo Engineers, PLLC, competent engineers duly licensed by the State of New York, for the proposed establishment of said District, and the construction of a water system therein, consisting of the installation of approximately 18,000 l.f. of 8 inch diameter water mains with 2 hydrants and up to 140 3/4 inch services, including land or rights in land, original equipment, machinery, furnishings, fittings, connections, fill, services, appurtenances and related site work, to be installed along Apulia Road, Cook Farms Road and West Shore Manor (the Awater improvement@), said map, plan and report now and at all relevant times herein has on file in the office of the Town Clerk; and

WHEREAS, the Town Board has given due consideration to the impact that such construction in said District may have on the environment and on the basis of such consideration, the Town Board has determined the environmental impact, if any, to be caused by such construction under the State Environmental Quality Review Act (ASEQR@); and

WHEREAS, at said Special Meeting of the Town Board on February 24, 2006 the Town Board determined the establishment of this special district is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board under the Ahard look standard@; and

WHEREAS, the Board determined that within the meaning of SEQR with respect to this matter, the following agencies are involved agencies: Onondaga County Department of Health, the Onondaga County Department of Transportation and the New York State Department of Environmental Conservation, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the maximum amount proposed to be expended for the construction of the Water Improvement (including all legal and engineering expenses) is \$1,231,000.00, and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the estimated cost of hookup fees is \$750.00 and the estimated cost of the District to the Atypical property@ (as defined in the Town Law) is \$780.00 (taking into account the capital operation, maintenance, user fees and water authority fees), annually; and that the Town Board has theretofore caused to be

prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and

WHEREAS, an order has duly adopted by the Town Board of February 24, 2006 for the hearing of all persons interested in this matter at a meeting of the Town Board of the Town be held at the Town of LaFayette Town Hall, 2577 Route 11, LaFayette, New York on March 13, 2006 at 7:00 p.m. to consider the establishment of the proposed District herein referred to and the construction of such water system therein, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and

WHEREAS, the Town Board has considered the extension of the proposed District, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.11 and has compared the impacts which may be reasonably expected to result from said action against said criteria;

NOW, THEREFORE, on motion of Councilman McConnell, seconded by Councilman Bailey, it is

RESOLVED AND DETERMINED that extension of the said District and construction of improvements therein will have no significant adverse effects on the environment, and this resolution shall constitute a Negative Declaration under SEQR, for the following reasons:

Such installation will result in no substantial adverse changes in existing air quality, water quality or noise levels, no substantial increase in solid waste production and no substantial increase in the potential for erosion, flooding or drainage problems. There will be minor and temporary removal and destruction of vegetation during installation of the facilities. No substantial interference with or adverse effects on animal life is anticipated. Some additional home owners and residents may be attracted to the area but not in numbers so as to result in any significant change in the character of the area. None of the other criteria listed in 6 N.Y.C.R.R. 617.11 have been identified as being relevant to this action; and it is further

RESOLVED AND DETERMINED, that:

- a) The petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed District extension as herein approved and it is otherwise sufficient;
- b) All the property and property owners within the proposed District extension are benefitted thereby;
- c) All the property and property owners benefitted are included within the limits of the proposed District; and
- d) It is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND ORDERED, that the said Northeast LaFayette Water District be established in the said Town of LaFayette, Onondaga County, New York, at a maximum estimated cost of \$1,231,000.00 including construction of improvements therein with an estimated cost of hook up fees of \$750.00 and an

estimated cost of the District to the Atypical property@ (as defined in the Town Law) of \$780.00 annually, and to be of the description and boundaries as hereinbefore described, and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and it is further

RESOLVED AND ORDERED, that all costs and expenses for establishing said District and constructing any water service facilities which may be installed within said District shall be annually assessed, levied and collected from the several lots and parcels of land within said District extension in the manner provided by law as stated herein; and it is further

RESOLVED AND ORDERED, that the Clerk of the Town of Onondaga be and she is hereby authorized and directed, on behalf of said Town, to file and record certified copies of this resolution and such other documents or instrument as may be required by law; and it is further

RESOLVED AND ORDERED, that the construction of the water service facilities within said District extension shall be subject to approval of the New York State Comptroller as required pursuant to Town Law Article 12.

RESOLVED AND ORDERED, this Resolution and Order shall take effect immediately.

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

Gregory Scammell	Supervisor	Voted	Yes
David Knap	Councilman	Voted	Yes
Thomas Bailey	Councilman	Voted	Yes
William McConnell	Councilman	Voted	Yes
Adrian Shute	Councilman	Voted`	No

The foregoing order was thereupon declared duly adopted.

Kevin Gilligan said this resolution has only to do with the Northeast District where we formed a new district.

Councilman Shute asked if there is any changes in this.

Kevin Gilligan said only that there is no condition with the state because we already have the State Comptroller's approval.

Councilman Shute said now that the State Comptroller has approved this, do we move on with the secure bond?

Kevin said the committees will be meeting by October regarding the funding so we will probably not see funding until the beginning of next year.

Councilman Shute said we will probably do this bonding by December. Do the people start paying for this in next years taxes?

Kevin said if we short-term bond for \$150,000, they would have a payment at this time next year.

Councilman Shute said we are probably not looking at finalizing the whole 1.2 million until next year so they won't actually see payments until 2008 on their taxes.

Kevin said probably.

Councilman Knapp said they will have water before they will be charged for this.

Kevin said they should.

12. Suggestions for improvement and positive contributions.

The Board decided to have a Special Meeting Monday, July 17, 2006 at 12:00 p.m.

13. Executive session. None needed.

14. Councilmen McConnell moved and Knapp seconded the motion to audit & pay the following bills:

HIGHWAY FUND	#5754-5770
GENERAL FUND	#5771-5811
SPECIAL DISTRICT FUND	#5814
TRUST & AGENCY FUND	#5815-5819

Motion passed unanimously.

15. Councilmen McConnell moved and Knapp seconded the motion to adjourn.

Motion passed unanimously.

The Regular Town Board Meeting adjourned at 9:04 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Adopted 7/24/2006