

Minutes of the Town Board Meeting held by the LaFayette Town Board on August 21, 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  
Craig Fox, Cramm Communications  
Sam Furco, Cramm Communications  
John Greeley, Dep. Highway Superintendent  
Steve Chase  
David Anthony  
Amy Roe  
Denise Ellis  
Terry Merron-Esce  
Lisa Master

1. Supervisor Scammell called the meeting to order at 7:15 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to our U. S. Flag led by Town Councilor Dave Knapp.
4. **Councilmen Knapp moved and McConnell seconded the motion to accept the July 24<sup>th</sup>, 2006 Special Meeting as submitted by the Town Clerk. Voting was as follows:**

<b>Supervisor Scammell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Abstain</b>
<b>Councilman Shute</b>	<b>Voted</b>	<b>Yes</b>

**Motion carried.**

5. **PUBLIC HEARINGS. None.**

6. **COMMUNICATIONS.**

**A. Residents.**

**1) Ted Grader: Mill Street/Road.**

The Board will return to this item later in the meeting.

**2) Other.**

Councilman McConnell said the neighbors of Bailey Park have done a presentation for the Board. Some residents would like to take the grant that was received and use it towards some renovations to the park rather than for a pavilion.

David Anthony said they took a poll within a 5 mile radius of Bailey Park. They have combined some of the results of that poll. 61 residents were visited. 33 responses were received. Tree and tree maintenance was one of the top priorities. Some of the trees down there are dieing or stumped. Some of them need to be cut down and some replanting done. This had a 94% approval rate. There are no playground signs. This got a 67% approval rate. They would like to have some “Children Playing” signs put up. There was only a 12% approval rate for the pavilion and grills. 70% thought the park could use a little bit more general maintenance. This includes weed-whacking, mowing, trash removal, etc. There was a 76% approval rate for playground equipment. There was a 64% approval rate for security.

Amy Roe showed some pictures of the campers who chose to camp-out at the park.

Denise Ellis said they made noise until 3:30 a.m.

Terry Merron-Esce asked if this isn't a police department issue.

David Anthony said there is a park patrol that goes through a couple of times a day.

Councilman Knapp said he goes through once at dawn and once at dusk.

Denise Ellis wondered if the Town Board could ask the police department to drive by once every hour or so.

Supervisor Scammell said he did talk to Captain Bronstad of the Onondaga County Sheriff's Dept. about this and he said he would have a patrol go by the park more often.

Denise Ellis said some summers are worse than others.

Supervisor Scammell asked if the Sheriff's Dept. had contacted Amy about the campers.

Amy Roe said no.

Supervisor Scammell confirmed the license plate numbers.

David Anthony said the basketball court improvement got a 73% approval rate.

Supervisor Scammell asked if they want Maple trees that would provide shade or trees for screening.

Denise Ellis said about 5 or 6 years ago some of the old big trees were taken down and not replaced. She would like to replace some trees that were taken down. She found out the ones that are best are Maple, Lyndon and Locust.

Councilman Bailey asked if these are in line with the National Grid lines. There is a program National Grid has for replacing trees. If National Grid were to be involved in the production to replace the trees, we would have to be strategic in placing them.

Councilman Knapp noted the power lines are on the other side of the road.

David Anthony said from the information they gathered, they put together a short-term and a long-term plan for the park. Trees are the number one answer that people wanted. The second was signs for children playing. The basketball court repair and removal of the volleyball pole were next. These were all part of the short-term plan. In the long-term plan they thought maybe resurfacing the basketball court, fence the ditch on the north side of the park and see about getting the speed limit changed from 40 mph to 30/35 mph on Route 11A. Some residents suggested a 4-way stop. Another issue is that there is no place for parking at the park. Currently the trees need to be trimmed. The cement pad could be removed or replaced. A couple of tree stumps need to be removed. Last year, through the help of an Eagle Scout., 3 picnic tables were brought to the park and mulch was placed around the playground equipment. They would like to have some of the short-term and long-term suggestions for the park completed.

Denise Ellis said the number one reason to not have a pavilion is if it rains now, kids go home. If there were a pavilion at the park, even if it rained the kids would stay there.

Terry Merron-Esce wondered if some of the planting could be dispersed through the community. She is part of the Garden Club and wondered if they couldn't do some of this.

David Anthony said there is grant money available for some of these items.

Supervisor Scammell asked about the fencing. Is it for the ditch on Route 11A or on Rowland.

David Anthony said it's on Route 11A north of the basketball court. There was interest in having fencing along Route 11A due to the traffic.

Supervisor Scammell said regarding the speed limit, a petition is signed by the residents in the area making the request. This petition is submitted with their request to the Town Board and accompanies the Town Board's request to the Dept. of Transportation. They send out an engineer to review the request and they notify us if they grant or deny the request. Having the park with children playing in the area might make it a better argument.

Dennis Ellis asked about a stop sign making this a 4-way stop. If people had to stop, you wouldn't have to change the speed limit.

Supervisor Scammell said they can request that in the petition. They can request whatever they think would work best for them.

Councilman Bailey would recommend bringing the petition to the attention of Senator DeFrancisco too.

Supervisor Scammell asked where they were thinking of putting the parking area.

David Anthony said right across from the church would be the most level area.

Denise Ellis said people aren't looking for much. Just a gravel parking lot would be fine.

Supervisor Scammell said this is good to know at this time because it's at the beginning of our budget cycle.

Denise Ellis said Carol Watson has agreed to plant 4 trees for the \$750 amount of the grant.

Leon Cook said some of the stumps he might be able to get out.

Councilman Shute said we do have the playground equipment for Bailey Park included in the Community Development Grant.

Councilman McConnell said the Community Foundation has agreed to change the allotment of money. He said Leon Cook will look at the stumps. He asked if Leon would look at the tree trimming too.

Leon Cook said they might not have equipment to get up high enough.

Councilman McConnell will check to get some estimates for the tree trimming. He asked if Leon could get the “Children Playing” signs for the park.

Councilman Knapp asked about the signs for the Route 11A side of the park.

Leon Cook said the state is supposed to do that. He will contact them but by it being a town park, they might want us to do it.

Councilman Knapp asked about the concrete pad.

Leon Cook said the Highway Dept. can take that out easily.

Councilman McConnell asked if he would replace it with topsoil or regrade it.

Leon said probably just regrade it.

Councilman Knapp said once he sees what’s underneath it, he can decide this. If he needs topsoil, they have some at the Apple Festival grounds.

Councilman McConnell said he and Councilman Knapp will look at the basketball court and get back to them.

Terry Merron-Esce said she has heard from several neighbors that are running businesses about signs advertising their businesses. Some of the people were told they had to take their signs down and others weren’t. It doesn’t seem like everyone is being treated as an equal with the signs. She wonders what the exact law is for signs. We need to have business. She thinks there’s too much complaining within the town itself.

Kevin Gilligan said it would be a good idea to touch base with Ralph Lamson. He can give her an explanation.

Supervisor Scammell said our Zoning Ordinance gives the information on signs.

Terry said after she looks through the Zoning Ordinance, she can come back to the Board with her concerns.

Councilman McConnell said this came up in the spring when some constituents called him as they felt they were being picked on. Most of the signs were signs that were just tacked up. He went to a Chamber of Commerce Meeting and one question that was brought up was how do they take the local businesses and find a way to advertise them in a nice manner?

Terry Merron-Esce asked what the difference between putting up campaign signs and advertising signs is.

Councilman McConnell said any place he put his campaign sign up he had permission and took it down immediately after election.

Terry asked what the difference between businesses that come in and advertise and the local businesses are. She thinks there is a lot of nitpicking about established business. She thinks we need to come together here in support of each other.

Councilman McConnell said it should be consistent.

Terry thinks maybe the zoning laws should be changed. Would that be possible?

Councilman McConnell and Supervisor Scammell said yes.

Terry believes there are certain individuals in town who are being picked on. It's better if we get along as a whole.

Councilman Knapp asked what she would think about having a big sign when you enter town with different business and arrows pointing to them. What would she think of a sign like that with everyone on it so everyone is treated the same.

Terry asked if a person owns a business and they have a sign up on their buddy's property, can they do it under zoning?

Councilman McConnell thinks the real issue was more of the temporary signs that came up in the spring.

Lisa Masters asked if it's a temporary sign is it O.K.?

Councilman McConnell said those signs generally go up by permission of the landowner. Those signs generally go up for events in the community.

Lisa Masters said the sign on the four corners is for a business.

Terry said basically this business is breaking the ordinance then. There's a lot of that going on here.

Mary Jo said quite often when a letter is sent out to a resident regarding a violation, it is because a complaint has been made. The Code Enforcement Officer doesn't go out and randomly pick some people and not others to cite. He doesn't go out to pick on people, rather, he investigates a complaint made and acts accordingly.

Supervisor Scammell believes Lisa Masters raises some interesting issues about garage sale signs, etc.

Councilman Knapp said technically the garage sale signs are supposed to get permission from National Grid to put them on their poles. The Town had to get permission to put the flags on the poles.

Lisa Masters said someone came through from the D.O.T. last week and took a bunch of the signs down.

Terry Merron-Esce said if people in town want this changed, they need to review the Zoning Ordinance and make a suggestion.

Councilman Knapp said the Board is more than willing to work with them.

Supervisor Scammell thanked them for coming.

Mr. and Mrs. Grader were present with their attorney. They asked if the Board could come back to them a little later in the meeting.

#### **B. Oneida Indian Nation: 2006 B.C. Open golf tournament.**

Supervisor Scammell noted this was set for July 20-23.

#### **C. NYS Senator John DeFrancisco: Multi-Modal Funds.**

"...\$96,000 in state Multi-Modal Funds for the Town of LaFayette. These funds are intended to help underwrite the costs of resurfacing Weatherburn Drive, Gordon Cooper Drive, Timothy and Jeremy Drive, Roberts Drive and Hedgerow Lane, Ashburn Drive and Applewood Drive. I am forwarding this funding initiative to Albany for processing immediately. However, it may be several weeks before you receive a project contracts in return. Please have Art Levy of my Syracuse Office apprised as this project moves forward and informed when the contracts arrive. ..."

Leon Cook said he hasn't heard anything.

Supervisor Scammell said if we do anything on any of the projects, Leon will have to keep Senator DeFrancisco's Office informed.

Leon Cook said after we do the work.

Supervisor Scammell said yes.

Councilman Bailey asked if these will be worked on this year or in the spring.

Leon Cook said probably next year.

Councilman Knapp asked if that is O.K.

Leon Cook said it should be because the funding is coming in so late. He will find out about this before the next meeting.

**D. Onondaga County Health Department: "Avoid the Buzz and the Bite (West Nile virus & EEE)"**

"Avoid the buzz and bite this summer. With the summer and warm weather here, remember that mosquito-borne diseases...may affect Onondaga County this season..."

**E. NYS DEC: Dam safety regulations.**

"Dam Safety is important to residents of New York State and a priority of the New York State Department of Environmental Conservation (Department). The Department is currently in the process of revising Dam Safety regulations. As part of this process, a preliminary draft is being made available to interested stakeholders. Consistent with Article 15 of the New York State Environmental Conservation Law, the planned revisions are meant to ensure that dam owners provide proper operation, maintenance, inspection, repair and emergency planning. In general, the proposed requirements reflect the level of risk the dam poses to public safety or natural resources..."

Supervisor Scammell asked if the dam for Jamesville Reservoir is in the Town of LaFayette.

Leon Cook said yes.

Supervisor Scammell asked if we have any other dams in the town.

Leon said no.

Councilman Shute asked about the dam on Barker Hill Rd.

Leon Cook said the dam for the Reservoir is in the Town of LaFayette. He will look on the map.

Pete Paul said the dam on Barker Hill is in the Town of DeWitt.

Supervisor Scammell gave Leon a copy of the letter.

**F. Onondaga County Health Dept: Water Supply Lab Analysis,**

Supervisor Scammell noted the Optimist Field Concession water tested satisfactory.

**G. Association of Towns: plea bargains of traffic tickets legislation.**

"This letter is to inform you of legislation (S7354, Introduced by Senator Bonacie/A. 10710-A Introduced by M. of A. Lentol) regarding the plea bargain system as it pertains to traffic tickets. This legislation has been approved by both the Assembly and the Senate and is awaiting the Governor's action..."

Councilman Knapp said he talked to the Town Justice about this. For counties like Onondaga where the District Attorney has a direct role, this doesn't apply. In some counties, the troopers actually come in and negotiate the ticket. This is for those areas.

#### **H. Reagan Agency/Selective Insurance loss control visit: Replacement value on town structures.**

“...The computer program used to develop these values was Marshall & Swift. The Town Hall is currently valued at \$802,500....determined that the replacement cost of this building should be \$1,004,970...Town Garage is currently valued at \$246,733...determined the replacement cost to be \$690,892....Community Center is currently valued at \$170,400...determined the replacement value at \$340,701...The total additional cost to increase these property coverage’s effective 8/1/06 would be \$664...One area that is not in the budget that has not been updated is the miles of roads and streets. Your current policy has 28 miles. As per the meeting with Selective the new exposure is 53 miles. The additional cost to make this change is \$659...”

Councilman Knapp asked if this is based on our reval.

Supervisor Scammell believes it is on their own.

Councilman Knapp asked what if we don’t agree.

Supervisor Scammell said we would have to submit something showing our numbers are different.

Councilman McConnell asked if we can challenge the numbers.

Terry Merron-Esce asked who is doing the evaluation.

Supervisor Scammell said Marshall and Swift.

Councilman Bailey asked if the contents of the buildings are included in this figure.

Supervisor Scammell said they just state the building. They don’t mention the contents. He asked if there is an interest in challenging the numbers.

Councilman Shute and Councilman McConnell said yes.

Terry Merron-Esce said what you are looking for is the value of the properties. Do you want to get into the contents of the buildings? You need someone to give an estimate of what it would cost to rebuild. She knows someone who could do this. You will have to pay someone for an estimate. Do you have a dollar amount set for someone to estimate the properties?

Councilman Knapp said the Board just got this letter.

Councilman McConnell will contact them tomorrow.

#### **I. Reagan Agency: USDOT #'s on vehicles.**

“Beginning last year as of July 5, 2005 trucks with a gross vehicle weight/gross vehicle weight rating of 18,001 lbs. or more were required to display the company’s name and USDOT # followed by the letters ‘NY’”...”

Leon Cook said he was told that his truck numbers would take the place of the DOT #. The other towns are the same way.

Councilman Bailey said as long as he has official license plates on the vehicles.

#### **J. Syracuse Post-Standard, 7.21.06, “CNY employment picture – Region adds 3,900 workers in June”.**

“Job growth in the Syracuse area was one of the highest in the state in June, the State Department of Labor said Thursday. Madison, Onondaga and Oswego counties had 3,900 more jobs in June than they did in the same month last year. It represented a 1.2

percent gain in jobs, the third-highest among the state's 14 metropolitan areas. Only New York City (1.6 percent) and Kingston (1.5 percent) have higher growth rates. The Syracuse area's unemployment rate was 4.5 percent in June, the lowest jobless rate in June since 2001...Syracuse's rate matched the state's jobless rate last month and was lower than the national unemployment rate, 4.8 percent...an economist at the Labor Department's Syracuse Office said "This is our strongest local economy since 2001'..."

**K. Onondaga County Legislature: 8.1.06 agenda.**

**L. Farm Family - Policy Cancellation Notice: Watson Landscaping.**

"You are hereby notified in accordance with the terms and conditions of the above stated policy, and in accordance with New York law, that your insurance will cease at and from the hour and date mentioned above...:

Kevin Gilligan said this is because they didn't pay the premium so they got cancelled. It appears they got the insurance that was required and didn't pay the premium so they were cancelled.

Councilman Shute believes they must have paid for the one month.

Kevin Gilligan said there are laws that cover this stating insurance companies must give a certain number of days notice before canceling.

**M. NYS Worker's Compensation Board: WCB Case #6840 9253.**

"...Dr. Cooke reports on 6/12/06 that the claimant's condition is 'of uncertain etiology' and that his injury in this case 'seems to have healed uneventfully'..."

**N. NYS DEC: SPDES Permit# NYR20A039.**

"...The annual report and MCC form submitted for LaFayette are complete and meet the minimum requirements of GP-02-02. They will be forwarded to the regional office for a detailed technical review; you can expect follow-up from the regional office staff after that review..."

**O. NYS ORPS: 2006 Assessment Roll – Final State Equalization Rate, 100%.**

"...the State Board of Real Property Services established a final State equalization rate of 100.00 for the above named municipality..."

Supervisor Scammell noted this says the Town of LaFayette is a 12.84 % increase from the reval. This means property values in the Town of LaFayette are still very high. It's among the top 4 municipalities.

**P. LaFayette Trail Riders: Proposed snowmobile trail/National Grid property.**

"On behalf of the LaFayette Trail Riders, we are writing to inform the Town of LaFayette of our desire to utilize a strip of land owned by Niagara Mohawk Power Corporation, d/b/a National Grid, which runs through the Town of LaFayette for the purpose of a snowmobile trail...Our club has been in contact with Niagara Mohawk concerning this possibility and they have expressed their willingness to consider our request. If approved, Niagara Mohawk will be granting a license to our club to authorize the use of their property for this purpose. It should be understood that this will be for winter use only by snowmobiles (no ATV's or wheeled vehicles will be allowed at any



time). Our club will also be responsible for addressing any concerns that may arise from this use. Prior to granting any such authorization, Niagara Mohawk requires that our club obtains written consent from all of the municipalities through which our proposed trail will operate upon their land. Therefore, we hereby respectfully request that the appropriate official indicate your municipal consent by signing where indicated below, or in lieu please provide alternative written documentation that we can present to Niagara Mohawk as evidence of such municipal consent...”

Terry Merron-Esce would like to see the map they sent.

The Board gave her a copy

Supervisor Scammell said he faxed this to our representative at Niagara Mohawk. They referred it to their real estate department. He hasn't heard back from them yet.

Terry Merron-Esce said the only snowmobile trail she knows of starts behind the Nice 'N Easy and goes down behind Watsons. Is this a different trail?

Councilman Knapp said this might be connected to that trail but it looks like it's different.

Terry Merron-Esce is concerned about who is insuring the properties that they go through.

Supervisor Scammell asked if she has any Niagara Mohawk right-of-ways on her property.

Terry believes there are two or three right-of-ways on her property. She isn't sure if any of them are Niagara Mohawk or not. She is concerned about these snowmobiles going through private property if someone should get hurt. If someone hurts themselves, is she responsible?

Supervisor Scammell said he can get her Gary Hodge's phone number. He might be able to answer her questions.

Councilman Knapp thinks this is something that changed when National Grid took over Niagara Mohawk. He thinks it's a liability issue. There was never an issue of the flags on the poles until National Grid took over.

Supervisor Scammell asked Kevin Gilligan about people riding snowmobiles or four-wheelers on private property.

Kevin Gilligan said there is some law that allows vehicles such as these to go on private property and adjust litigation laws.

Leon Cook said there's a new regulation on snowmobiles. In order to register a snowmobile, you must belong to a club and the club will be controlling the trails and the rights.

Councilman Knapp said you don't actually have to belong to a club. He just got his registration in the mail. It's \$110 to register his snowmobile if he doesn't belong to a club and only \$45 if he does.

Councilman Shute noted this states National Grid won't grant permission without the municipalities approval.

Terry Merron-Esce believes if the town approves this, they are also putting themselves up for liability issues.

Councilman Bailey asked Supervisor Scammell when he talks to National Grid to see if there's any other towns signing-off on this and are any hold harmless agreements holding the town not liable?

Supervisor Scammell will ask them.

**Q. NYS Environmental Facilities Corporation (EFC): Drinking Water Revolving Fund regulation revisions.**

“The New York State Environmental Facilities Corporation (EFC) is proposing amendments to the New York State Drinking Water Revolving Fund (DWSRF) Regulations, currently codified under 21 NYCRR Part 2604 (EFC DWSRF Regulations)....”

Councilman Knapp noted they are raising the ceiling from 10 million to 14 million.

Kevin Gilligan said this is really for projects much larger than what the town is contemplating.

Supervisor Scammell asked if the Board would like to have the engineer and attorney review this.

Councilman Knapp thinks it would be a good idea.

Councilman Bailey thinks it would be good for the engineer to review it as he did the anticipated costs, etc.

Councilman McConnell noted the response is to a general counsel so we might want our counsel to review this too.

Supervisor Scammell asked Kevin Gilligan to review this and he will contact John Dunkle for his review.

**R. Association of Towns: 2007 membership dues.**

“I write to advise you of the amount of your Town’s dues for membership in the Association for 2007. As required by our Constitution the Executive Committee, at its May 2006 meeting, established the dues structure for 2007. They recommended that the formula for 2007 remain the same as it was in 2006. A town’s dues are based upon its “total revenues” (excluding one-time federal and state grants and enterprise funds)...According to the State Comptroller, ‘total revenues’ for the Town of LaFayette in 2004 were \$1,828,839. Applying the formula, which is reproduced and enclosed with this letter, your Town’s dues for the year 2007 will be \$899. I trust this information will be helpful to you in preparing your 2007 town budget...”

**S. National Grid: 10,000 trees and growing.**

“The 2006 Fall tree planting season will soon be upon us! Are you going to be planting street trees? Did you have an Arbor Day or Spring 2006 community tree planting project? Did you or a community tree advocacy group plant low growing trees under overhead electric lines? Would you like \$50/tree reimbursement if you planted the ‘right tree in the right place’? Are you a previous participant in our 10,000 Trees...and Growing! Program? Would you like to be a recipient of funding to help offset your tree planting budget and at the same time, help National Grid avoid future trees pruning costs around those trees? If you answered yes to any of those questions, National Grid wants to support communities within our service territory planting utility compatible trees through our continuing ‘10,000 Trees...and Growing!’ program, with a \$50 per tree reimbursement...If your community is not yet a participant, please contact Brian Skinner to request an application packet...”

Terry Merron-Esce said she is interested in this.

Councilman Bailey will get some more information on this regarding town property.

**T. NYS DEC: Dam Safety Regulations.**

Supervisor Scammell noted this gives the times and dates for some informational meetings.

**U. NYS Senator Dave Valesky: Collateral Source Bill.**

“Thank you for contacting me in regard to S.1544, known as the Collateral Source bill. This legislation was not considered by the Legislature this session. Please be assured that I will keep your input in mind should the Senate take up this bill in a special session...”

Supervisor Scammell said the reason Senator Valesky is responding to this is because that is who we were advised to contact which was inaccurate information.

**V. Other.**

Supervisor Scammell said we have received a letter from the LaFayette Fire Department stating they are interested in negotiating the 2007 fire protection contract. They are under obligation by law to let us know this in August and that is why we received this each year.

The Board returned on the agenda to the Grader’s and their concerns regarding Mill Rd.

Mr. Grader came forward with his attorney. His attorney said he looked at the title to this property and found no dedication to the town of Mill Rd. Mr. Grader is concerned that there is some suggestion made to him by the Town Supervisor that the town owns this road. A stop sign was put up and it’s their intention to have the stop sign removed. He presented the Board with a copy of Mr. Grader’s Abstract of Title. For the Board’s convenience the attorney presented a survey of Mr. Grader’s property which shows the so-called Mill Rd. He noted the road is about 12.75’ wide which is certainly not wide enough to be considered a road. He read the legal description from Mr. Grader’s deed. Mr. Grader is concerned that there is some suggestion that he doesn’t own the property. There has been some activity on the property that he is not happy with. Mr. Grader would like to have control over what occurs on his property.

Supervisor Scammell asked Kevin Gilligan for his opinion.

Kevin Gilligan said everything we have received to date shows this is a town road by user. It has been maintained for 100 years based upon comments by historians in the town and people that have lived in the area and down the road. Properties are often referenced to the center line. Every road in the town is not a town road by deed and dedication. Some roads are created by usage over a long period of time. The New York State Highway Law recognizes this. It’s called a highway-by-user. His preliminary review is that this is a highway-by-user. He will review the information they have supplied.

Grader’s attorney said the abstract shows that Mill Rd. was handed down by owner after owner. By the legal documents presented, it shows each owner who handed this down stated that they owned it. They did not say they owned it subject to the town.

Kevin Gilligan said the statute sets conditions for a road to be a highway-by-user and it's his opinion so far that this is a highway-by-user.

Councilman Shute asked if the other property owners adjacent to this use the road.

Ted Grader said he would like to know who the historian is that Kevin Gilligan is suggesting. Roy Dodge has advised in the 24 years he knows of, this road has always been a private road.

Supervisor Scammell asked how the highway-by-user deals with private roads.

Kevin Gilligan said a highway-by-user pertains to public use, public maintenance, etc. In 1984 Mill Rd. was listed as a town road.

Leon Cook noted it was on a survey the Highway Committee did in 1987.

Kevin Gilligan asked if Leon Cook has maintained, plowed, etc. that road since 1987 when he took over as Highway Superintendent.

Leon Cook said yes.

Ted Grader asked if he had been asked not to come down there.

Leon Cook said not until recently.

Kathy Grader said in 1990 they took ownership and they asked the Highway Dept. not to come down with their mower.

Ted Grader said he came home from work and put a stop to putting the turn-around in.

Terry Merron-Esce asked if the town plows the area or do the Grader's maintain it?

Ted and Kathy Grader said they maintain it.

Ted Grader said the problem they have with the town is that they bought this property as private property and to raise 3 children in peace. This is a driveway and not a road.

Supervisor Scammell asked what would be an example of public use.

Kevin Gilligan said people other than the Grader's using it at any time on a regular basis. Has that road been paved by the Town of LaFayette?

Leon Cook said the part that is on his list as a town road has. From that point on, Ted has been taking care of it. It goes to the middle of Wood's property.

Ted Grader said his road stops at Route 11A. No one has offered him a check for this property. No one has asked for a right-of-way. It has come to a head because he has had enough. He hasn't seen a reduction on his taxes or a check in the mail stating the town has bought the property. He believes he owns the 315' which is called Mill Rd.

Supervisor Scammell asked Leon Cook when he became Highway Superintendent.

Leon Cook said in 1988.

Supervisor Scammell asked what we were plowing regarding this property in 1988.

Leon Cook said in 1981 the Highway Superintendent was plowing all the way down, around the section and back. Mrs. Miller requested he do that. She was a prior owner.

Supervisor Scammell asked Ted Grader if when she sold him the property she said anything about this.

The Grader's attorney said the deed gives the next owner Mill Rd. This is not the warranty deed.

Kevin Gilligan said the deeds can read as they do and we could still have a road-by-user. Based upon what he was originally told, the maintenance of the road making it a town road by user was established prior to Grader's taking over the property.

Councilman Knapp said if we abandon it, it becomes a private road and none of the town equipment goes on it and it basically becomes a driveway.

Kevin Gilligan said correct. It appears there is a parcel that would be landlocked if the town did this.

Marshall Taylor said # 28 would be landlocked. His concern as an assessor is to meet requirements of Onondaga County for 911 responses. He submitted a printout of the actual addresses on file at 911 showing Mill Rd. These are the parcels officially on this road. If you were to abandon the road, you would have to find some way to satisfy 911. Today if someone were to call and say they had a fire on Mill Rd., Onondaga County 911 knows exactly where it has to send the fire department. He believes you would have to find a new address from the post office if it's changed.

Ted Grader said 2395 doesn't exist on Mill Rd. The access for this property is on Route 11A.

Marshall Taylor said this information was recorded prior to him being here.

Councilman Bailey asked Leon Cook about the current highway specs. What's the minimum width for a road.

Leon Cook said 60'. A new development now is 60'. We have roads that aren't even 49 1/2 '.

Grader's attorney said this is 12' wide.

Leon Cook said you have property on both sides.

Supervisor Scammell asked Kevin Gilligan if a highway has been a highway-by-user and the town doesn't wish to maintain the road, does it go through a formal abandonment.

Kevin said correct.

Councilman Bailey asked about the emergency number 911 issue. If it's not a public road and we abandon it, we need to be sure 911 and the tax records go forward too.

Kevin Gilligan thinks you would want to put all the people we have listed as property owners on Mill Rd. on notice as well as the county tax dept., 911 and several other organizations in the county.

Supervisor Scammell if we abandon this, there is a person who has a piece of property abutting the Graders' property that would not have access to the road if not for Mill Rd. What alternative does Mr. Wood have whose property abutts the Grader's and has no other access other than Mill Rd.?

Kevin Gilligan isn't sure we can abandon a road that will landlock a parcel.

Grader's attorney asked if it would be O.K. if they gave him an easement.

Pete Paul said Mr. Woodford would like to be acknowledged.

Mr. Woodford said he lives in the next town over. He has had some experience with abandoned roads in Pompey. If a highway is abandoned, it's given back to the property owner. He asked Leon Cook if this piece of property was listed on the Irwin Plan.

Leon Cook doesn't know what he is talking about when he mentions the Irwin Plan.

Mr. Woodford said Highway Superintendents had to list every road they were going to do work on in this plan and it was called the Irwin Plan.

Leon said he doesn't know about the Irwin Plan but showed a list of roads submitted to the state regarding roads to be worked on.

Mr. Woodford asked if using public drives to the gas station, etc. makes them public highways.

Councilman Bailey said these are private properties being used by the public to enter their businesses.

Supervisor Scammell confirmed the listing of Mill Rd. has been on something comparable to the Irwin Plan.

Leon Cook submitted a record dated 8/14/1984 which is a state record of our roads which has Mill Rd. on it.

General discussion took place at the Town Board bench between Grader's, their attorney and the Board.

Supervisor Scammell would ask for arguments for all against abandoning the road.

Leon Cook thinks the other property owner should be involved before the Board makes a decision.

Supervisor Scammell asked Leon Cook if he had anything else to add.

Leon said the way he looks at the printout including Mr. Grader's property, there are 4 properties. There are 3 houses and then the Grader's on that road.

Mr. Grade said two of them access Route 11A.

Marshall Taylor said Leon came in to see him today and he went down to look at the property. He would encourage the Town Board to drive down and look at the road before determining who should be notified.

Leon Cook said if the town stops maintaining this to Mr. Wood's property, he can complain that over the years we have been plowing past his driveway and now we are not. There could be a problem. Whatever the Town Board decides, he will agree with. He tries to look out for everyone. They are use to having the service of the town so they can get in and out. If you put a stop to this, someone is going to have to keep it plowed in case of emergency.

Supervisor Scammell confirmed Mr. Grader doesn't want the town involved at all. He would like the road abandoned to Route 11A. Does that mean they would reject the motion to plow down to where Leon is plowing now?

Mr. and Mrs. Grader said yes.

Supervisor Scammell noted there are two options. We can abandon it back to Route 11A or keep it a highway-by-use to the center of Mr. Woods property.

Leon Cook said he has only maintained and paved a little past Mr. Woods driveway.

Supervisor Scammell asked Kevin Gilligan if we can abandon the service we have provided such as maintaining the road and snowplowing.

Leon Cook asked if we can legally stop a service on the portion of the road we have maintained.

Kevin Gilligan said if the public is not using the road, yes.

Leon Cook said we maintain to the last house.

Kevin Gilligan said as long as there are other people on that road that use it for access, he doesn't think we can abandon it.

Ted Grader said he owns the property and he doesn't believe this is being disputed.

Kevin Gilligan believes it could be being disputed.

The Grader's attorney said Mr. Grader has the right to fence the entire property.

Kevin Gilligan said if it's a highway-by-user, he may not be able to fence it off.

Ted Grader asked if the town may own property deeded to him.

Supervisor Scammell said the Board will gather more information by the next meeting.

Marshall Taylor said in doing some research on this tonight to have the record accurate, the McIntosh property has a driveway and mailbox on Route 11A. He thinks this might be an error on the county records.

This information will be reviewed and discussed further at the next Town Board Meeting.

The Board moved ahead on the agenda to Cramm Communications.

Kevin Gilligan submitted a sheet of observations and conditions for the Board to review.

Mr. Fox would like to stress there is no affect on the towns tenants. The affect is on their signal.

Councilman Shute asked what the Board is being asked to do tonight.

Kevin Gilligan said to approve the site plan based upon these conditions.

Councilman Shute asked if the reference to agreements the applicant would enter into would have to be approved at a later date by the Town Board.

Kevin Gilligan said yes.

Craig Fox said they would prefer not to post demolition bonds. In researching this he found the prices to remove them are a lot less than they thought if they will let the company take ownership of the towers.

Councilman Shute asked what the quotes were.

Craig Fox said one was just under \$14,000 and the other was just under \$5,000. The towers are valuable to them.

Kevin Gilligan said one thing to keep in mind is that any work the town must do will have to be done at the prevailing wage rate.

Councilman Knapp asked what work we would be required to do.

Tom Chartrand said if we had to hire someone to demolish the towers it would be work hours which would be subject to the prevailing wage.

Kevin Gilligan thinks we need to contemplate in terms of the security that we would be at prevailing wage and are not in the same situation as the applicant as he isn't sure we can allow the company to keep the pieces of the towers.

Supervisor Scammell asked Craig Fox if he is content with all of the items submitted by our attorney.

Craig said he hasn't seen the handout yet. The Board gave him a copy. On the section regarding the maintenance schedule, they are required by the FCC to maintain the towers in a good operating condition and to have them examined and reviewed on a

periodic basis. He isn't sure what the purpose of having an updated schedule on file with the Town Clerk is.

Councilman Bailey asked the required maintenance schedule of the FCC.

Craig gave him the schedule. He said regarding the certification of the New York State engineer that there would be no adverse impacts, he doesn't know why this would be needed. If it were a situation like the town tower where there's a possibility it could impact other properties, it would be different. In their case, they are so well contained, he doesn't know what other possibilities could exist that would affect surrounding properties.

Councilman Shute asked if there is any possibility that there could be an affect to greater distances than to his existing property.

Supervisor Scammell asked the purpose of the maintenance schedule.

Kevin Gilligan believes it's just to have a current record on file that they are doing them.

Craig Fox said once a year they have to climb the towers.

Kevin Gilligan said maybe the Board would just require them to file once a year that this inspection has been done.

Councilman Knapp said the outfit putting these towers up is an experienced outfit. Isn't there a certification of the tower at that time?

Craig Fox said they will have certified stamped drawings to present when they get their building permits.

It was decided this would be O.K. when applying for their building permits for the towers.

Councilman McConnell wondered why County Planning recommended having the demolition bond.

Kevin Gilligan said maybe they have had experience where this happened in the past.

Councilman McConnell asked the applicant the value of the property.

Craig Fox thinks about \$40,000.

Kevin Gilligan said the Board could come up with an amount they are comfortable with and have someone check the amount to see if it's adequate.

Councilman McConnell said the amount we put in today could be different 13 years from now.

Kevin Gilligan said the language that sets the amount can be changed in the future if needed.

Councilman McConnell would recommend going forward with an amount tonight and addressing it again every two or three years or whatever time-frame is determined. He would go forward with this tonight and update the amount every two years or periodically. The amount could go down in time too.

Supervisor Scammell would recommend \$15,000.

Councilman Knapp recommended reviewing this amount every 5 years.

Tom Chartrand said this amount should be subject to prevailing wage.

Councilman McConnell asked if they had a problem with the land beautification section.

Craig Fox said absolutely none at all.

Councilman McConnell asked what they would estimate as their completion date.



Craig said it would be nice if they could finish it before winter sets in. This might be unrealistic and it might take them until next spring.

Councilman McConnell asked who will be responsible for the final inspection.

Kevin Gilligan said Ralph Lamson will be the one doing it. He will get a copy of the resolution.

**Councilman Bailey moved and Councilman McConnell seconded the motion to approve the site plan based on the observations and subject to the conditions as listed below:**

## **Cramm Communications Proposed Am Radio Facilities off Groth Road, Town of LaFayette**

### **Observations for the record:**

- X The site plan for this project was prepared by DW Hannig, LS, PC, Entitled Site Plan., Proposed WVOA(AM) Antenna Tower System, Dated 9-26-05, as revised to 7-28-06.
- X Commercial radio towers are permitted in the industrial zoning district which encompasses this property, subject to site plan approval by the Town Board
- X The project entails the construction of 6 permanent guy wired AM radio towers ranging from 190' to 326', as a directional antennae transmitting array, plus a 20' by 20' equipment building and a 60' receiving tower on property designated as part of lot 16, Groth Road, Town of LaFayette
- X The Onondaga County Planning Agency reviewed this application in accordance with General Municipal Law Section 239, issuing a report dated August 12, 2003, recommending that the two parcels be combined into one and that the Town require a removal bond, assuring restoration of the site should the towers become inactive or obsolete
- X Cramm Communications (also referred to as Applicant@ or Aowner@) subsequently submitted an application for subdivision approval, joining the two separate parcels into one parcel, in response to the recommendation from Onondaga County Planning
- X Initially, SEQR was completed by the Town Planning Board, as lead agency, in March, 2005, with that Board issuing a negative declaration after a coordinated review with the LaFayette Town Board
- X Subdivision approval combining the two parcels was granted on March 15, 2005
- X Subsequent thereto, on July 25, 2005 the Town of LaFayette received a copy of correspondence from SHPO withdrawing its prior No effect@ determination based upon a letter it had received from the Onondaga Nation indicating archeological concerns.
- X The applicant (Cramm) retained a certified archeologist to review the subject property and issue a report, which prompted SHPO to issue a new No effect@ determination on June 14, 2006
- X The Town Planning Board ratified its prior determinations in light of these

developments, reissuing its negative SEQR determination and recommendations to the Town Board on June 26, 2006, adopting the suggested condition by SHPO of incorporating a human remains protocol as a condition to any site plan approval

## Conditions

- X All development and use of the subject property shall be undertaken in accordance with this site plan and the previous subdivision approval of the Town of LaFayette Planning Board and shall be undertaken in strict compliance with the human remains protocol identified in SHPO's letter of June 14, 2006 (copies attached). The owner shall provide copies of this protocol to any and all contractors working on the site and shall incorporate this protocol into any agreements with contractors and subcontractors requiring compliance with same.
- X The owner shall identify, avoid and eliminate any and all interference generated by the proposed AM radio facility on and about surrounding properties and in the vicinity thereof.
- X The owner has offered to provide and install electronic filters designed to prevent potential interference with standard wire telephones in the vicinity of its proposed facility. The owner shall enter into an appropriate agreement with the Town to do so.
- X Copies of the required FCC annual inspection report shall be filed with the LaFayette Town Clerk on an annual basis, within 30 days of owner filing such reports with the FCC.
- X Application for a building permit shall include plans stamped and signed by a licensed NYS engineer.
- X All of the owner's tower facilities shall be removed if they are not used for their intended purpose for a period of two years for any reason, and the owner shall post and maintain a reclamation/demolition bond with the Town in the amount of \$15,000.00 to guarantee that there will be sufficient funds to remove such towers, if necessary. This amount may be adjusted by the Town in the future, as needed.
- X All towers and guy wire anchors shall be fenced with a minimum of six foot chain link fencing as an anti-climb measure.
- X The owner shall provide as-built drawings of all improvements, including wiring diagrams and other pertinent information to the Town Code Enforcement Officer, Town engineers and fire department.

- X The owner shall enter into an agreement with the Town with respect to the Town=s existing and potential additional communication towers located on Town property, adjacent to the proposed AM radio site, requiring the owner to prevent and avoid any interference with the Town=s towers or the Tenants thereof.

Said agreement shall also require that the owner will assume any and all responsibilities for Adetuning@ of such Town towers, at owner=s sole cost and expense with no disruption to the Town or its tenants. Detuning shall be internal to the Town tower structure and avoid any installation that will interfere with the free and unfettered use of the tower(s). Notwithstanding the FCC=s Alast man in policy@, owner shall be responsible to detune any future tenants of the Town=s tower or future tenants on future towers at the owner=s sole cost and expense.

The agreement shall also require the owner to maintain all such detuning devices at its sole cost and expense, including the skirt apparatus and the removal of all detuning equipment should the owner discontinue its operations and dismantle its own tower facilities.

- X The owner shall obtain any NYSDEC SPDES permits required for the proposed project.
- X The owner shall remove all debris now present on the subject premises, generated by the clear cutting activities on the site.
- X The owner shall plant a two row buffer of evergreen trees, at least 8 feet in height, 10 foot on center, across the gap that exists in the treed vegetation along NYS Route 81 and shall maintain and replace diseased or dead trees among such plantings, promptly, it being the intent of this condition to replace or diminish the impact of tree removal that has previously taken place on site.
- X The agreement between the owner and the Town shall run with the land and shall bind and obligate any future owners of the proposed AM radio facility.
- X The owner shall reimburse the Town for any and all expenses incurred in the nature of legal, engineering and consultant=s costs in connection with review of the owner=s application and enforcement of these conditions.

Voting on the above motion was as follows:

Supervisor Scammell	Voted	Yes
Councilman Knapp	Voted	Yes
Councilman Bailey	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Shute	Voted	Yes

Motion passed unanimously.

7. **SPECIAL REPORTS.** None.

8. **REPORTS.**

**A. Departmental (4<sup>th</sup> Monday).**

**1) Assessors: Mary Doster, Marshall Taylor & Jim Munnell.**

**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) Junk complaint at 3903 Eager Road.**

**d) 3649 Coye Road.**

**e) Apulia Road – various violations south of Jville Rez.**

**f) July newsletter article response .**

**g) 3231 Webb Road. Four junk vehicles.**

**h) Written June report submitted.**

**i) Planning Board memo – multiple uses on single lot was submitted.**

This memo was regarding the Stirner application.

Supervisor Scammell noted it appears there are two or three abandoned cars on the property at this time.

**j) Signage for seasonal as well as year round businesses on town, county, state roads.**

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

**• DL-18's submitted.**

Councilman Knapp said the owner of the dogs in Cardiff was in court last week and he has basically been told they must either be caged or on a leash at all times or the Dog Control Officer has permission to seize them. The owner agreed to this.

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

**a) Town signs.**

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

Leon Cook said regarding the dam on Jamesville Reservoir, he remembers a few years ago they lowered the water and the state repaired the dam. He doesn't believe the Town of LaFayette is responsible for that dam.

Leon said regarding the grant we got. We really can't do anything now. It says the project contracts may take several weeks. We can't do anything until we get the contracts. This will be too late to do anything this year. He will find out from his friend at the state whether or not we can carry this over. He knows other towns carried it over last year. He doesn't have the money to do the work right now.

He gave Kevin Gilligan an agreement they are making with the state for the use of the salt shed. Kevin is going to look it over and then Supervisor Scammell can sign it. He hopes this can be done at the next meeting.

Leon said they had 4 roads that are dead-end roads that had to be done.

They oiled and stoned them. The roads were Bear Mt., Groth Rd., Persse Rd. and Gordon Cooper Dr. It came out to be about 1 1/3 miles.

They have been mowing the 4 acres every 2 weeks. There were a couple of fields they didn't mow one week.

Due to one of the bad storms that we had, there were 5 pipes on Ortloff Rd. that were just about completely washed out. It took his guys 2 hours from the time he called them in to have all the pipes secured and the water flowing right. His guys did a good job. All 3 storms that we have had have given us a problem with this particular area. They have rip-rapped between each driveway. He has one section that needs another load to fill it in. The storm took down 3 big trees on Mill Road. It blew them down on Saturday afternoon. They couldn't get the trees cleared up until the following Tuesday morning as that is when National Grid got the live wires out from under the trees. They had the road open by 10:30 a.m. The following Saturday the ambulance had to pick up Mr. Wood.

Kevin Gilligan asked if they picked him up on Mill Road.

Leon Cook said yes.

Kevin Gilligan said that is important information. This is a fact driven item. He needs a full work history for this road.

Leon said he can give him this. One year he put in for grant money and grant money was used to pave a portion of this Mill Road.

Kevin Gilligan said with all that work history, it may establish this is a town road and then the Board will have to determine if they want to abandon it.

Leon Cook said all you have to have is one property owner be against abandoning a road and you can't do it. He knows Mr. Wood will not be in favor of this.

Leon said they had 7 dead trees on the turn-around up on Meeker Hill Rd. that they took care of. For two weeks they picked up brush that blew down. People are still putting it out from the storm. He is not picking up any more for a week or two until he is sure everyone has their brush out. The storm cost \$16,623. This was emergency cost. There was no money in the budget for emergency work. This must come out of work he was going to do. Last year it was \$10,000 for emergency work they had to do regarding the Webster Rd. bridge.

He told the school that Nichols Rd. will be lucky if it is done by the time school starts. The person in charge had to have an operation and will be out for awhile. The storm caused them a lot of trouble too.

Councilman Knapp asked how many miles of road the town currently owns and maintains.

Leon said 28 1/2 miles of town roads. We plow 24.8 miles of county roads in the winter.

Councilman Knapp asked about the insurance numbers the Board received.

Leon said for the extra miles they want to add on, this is only for 6 months of the year. He reviewed the information last year when we renewed our insurance. He asked about coverage of the vehicles at that time. He called different dealers and found out how much it would cost to replace the equipment. The radios were \$500 deductible and they are worth less than \$100. We had a reduction and now they are trying to get that money back.

Councilman Shute asked about the chipper rental.  
Leon said that was for putting stone down. It's a power chipper.

- 5) **Justice Court: Malcolm Knapp & Maureen Perrin.**
  - **Written June and July reports submitted.**
- 6) **Library Director: Scott Kushner.**
  - **May 8<sup>th</sup> Library Board Minutes and Director's Report submitted.**
- 7) **Recreation Director: Regina Reinschmidt.**
  - **Written report submitted dated 8/14/06.**
- 8) **Tax Collector: Teresa Mech.**
- 9) **Town Clerk: Mary Jo Kelly.**
  - **Written July report 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) **Onondaga County Supervisors Association: OCWA.**
  - e) **Written July report submitted.**

Supervisor Scammell noted we are 58.3% through the year and have used 57% of

the budget.

Tom Chartrand asked about budget dates.

**Councilmen Knapp moved and McConnell seconded the motion to hold Budget Work Sessions as follows:**

**September 25 at 5:00 p.m. for small budgets.**

**September 27 at 5:00 p.m. for the large budgets.**

**October 3 at 5:00 p.m.**

**October 17 at 5:00 p.m.**

**Motion passed unanimously.**

**Councilmen Knapp moved and McConnell seconded the motion to hold public hearings for the 2007 S.O.T.S. Rates, 2007 Coye Road Water Assessment, the 2007 Fire Protection Contracts for the LaFayette Fire Department and Jamesville Fire District and the 2007 Town Budget on November 9, 2006 at 6:00 p.m. Motion passed unanimously.**

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

- 1) **Agriculture .**

- 2) **Communications & Technology**
  - a) **Town Website. August report.**
  - b) **Transition to Digital Towpath.**
    - **Parallel operations.**
    - **Website – townoflafayette.org (now is townoflafayette.com). Secure additional .gov?**
    - **Town email addresses (tolxxxxx@aol.com to tolxxxxx@??) – conversion & new.**
    - **File transfers.**
  
- 3) **Economic Development.**
  - a) **LaFayette Hotel.**
  - b) **Focus 2010.**
  
- 4) **Emergency Response.**
  - a) **LFD exhaust vents – '06 AFG grant submitted .**
  - b) **Onondaga County Department of Communications - OCICS.**
  - c) **NYS PSC – TSP (Telecommunications Service Priority).**
  - d) **Pandemic/Avian/Bird Flu.**
  - e) **NIMS compliance.**

Councilman Bailey said he has taken the training exam. He needs to complete the ICS 700 and then he gets his certification.

Councilman Knapp asked about a conference next week on grants.

Councilman Bailey will try to make this. If you apply for state grant funding, you can't have an active grant application with the federal government.
  
- 5) **Employee Policies & Benefits.**
  - **Implement employee-share healthcare premium increase.**
  - **Optional employee paid benefits.**

Councilman Shute said we had the availability today for voluntary benefits for the town employees but there were no takers so this goes away.

Supervisor Scammell believes Marshall Taylor attended this.
  
- 6) **Environmental & Conservation Advisory Board.**
  - **Newsletter – property owner options for Tent Caterpillars - complete.**
  - **SPDES – NYS DEC proposed regulations.**
  - **SPDES subcommittee – tba.**
  
- 7) **Highway.**
  - a) **Long term capital equipment forecast.**
  - b) **Road maintenance schedule.**
  - c) **Computer terminal in highway garage.**
  - e) **Multimodal/CHIPS funding – in process, via Senator DeFrancisco's**

**office.**

Leon Cook said they are lining a Highway Committee Meeting up. They have the 5-year plan for equipment.

Councilman Knap said Pete Paul wanted to know when the budget meetings were going to be so he would know when to schedule a Highway Committee Meeting.

**8) Physical Plant.**

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

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

**c) Motion sensors.**

**d) Alarms at Town Offices and Community Center.**

Supervisor Scammell said he would be in favor of having the alarms removed. He is concerned someone could pull the alarm thinking someone would be coming to help and this isn't the case.

Councilman Knapp would be in favor of this too.

**9) Recreation & Youth .**

**a) Marion Bailey Park.**

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

**2. Install grills – Spring, '06.**

Councilman Knapp said we still have the grills which could be installed at Stafford Park as it wasn't one of the items the folks wanted at Bailey Park.

**b) LaFayette Beach.**

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

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

Councilman Knapp said he will talk about this at budget time.

Apparently there is some repair needed on the building at the Beach too. Maybe we can get some bids for both of these for budget time.

**3. Repair/move lacrosse box.**

**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.**

**d) Park designs.**

- Parkitects.



**10) Safety.**

- a) **Electrical work list.**
- b) **Selective Insurance response due 7.14.06. Completed.**
- c) **5.22.06 inspection.**
  - **Town Offices.**
  - **Concession Stand.**
  - **Stafford Park.**
  - **Bailey Park.**

Councilman Shute said he was unable to attend the last Safety Meeting but they did supply the Board with a list of things which need to be fixed.

It was recommended to give this list to Herb Salladin. Some of the items we may need to get estimates to fix.

Councilman Shute thinks some of the items may be expensive to fix.

The Board would like Herb Salladin to do whatever he can do and whatever he can't can be looked into before fixing.

Councilman Knapp will show the items to be fixed at Stafford Park to the Optimist club to see what they will fix.

**11) School District liaisons.**

**12) Senior Transportation & Housing .**

Supervisor Scammell thinks there may be some people coming out from the Aging and Youth Dept. to do some work with some of the elderly in our community.

**13) Service Awards.**

- a) **Firefighters Tax Exemption Law (Onondaga County Supervisors Association memo).**
- b) **Requirements for service awards & tax exemption reconciliation.**
- c) **Action timeline for calculations & depositing of annual contribution.**

Councilman McConnell submitted a time-line to the Board. If the Board agrees, they will come to a future Town Board Meeting to reintroduce themselves. Penflex's cost should come down about \$1,100 in the budget this year. He would like to put them under Communications on the Agenda so they can get out of the Meeting sooner.

Councilman Knapp asked if the LaFayette Fire Dept. agreed to this.

Councilman McConnell said they are aware of this and he hasn't heard back from Jack Sutton yet.

Councilman Knapp said if all parties are fine with this and comply with it, it will make everything much easier.

**14) SOTS & OCRRA Liaison.**

- **Prevailing wage impact.  
Water (GS/PP).**
- 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 and Smokey Hollow Service Improvement districts.**  
Supervisor Scammell is looking for information this week regarding some money.
  1. **Grants & long term, low interest loans (RD & EFC).**
  2. **Letter to Dale Sweetland, Onondaga County Legislature Chairman – complete.**
  3. **NYS Comptroller’s Office – approved.**
  4. **Phase I archeological study – NYS OPRHP.**
- c) **Hamlet drainage study – request submitted to NYS DOT.**
  1. **NYS DOT notified of subsidence behind M. Amidon’s property.**
  2. **6.6.06 NYS DOT meeting @ Grimshaw Elementary School.**
- d) **OCWA – Coye Road Water District hydrants at Roberts Drive & Hedgerow Lane – approved.**
- e) **Drainage Districts.**
  1. **Jamesville Grove Subdivision.**

Councilman McConnell asked why we need a public hearing when we already determined one is needed.

Kevin Gilligan said the procedure in which you create a district requires a public hearing. All this does is create a means to pay for the upkeep and maintenance of the district which has already been approved.

**IN THE MATTER  
OF**

**THE PETITION FOR THE CREATION OF THE  
COHEN SUBDIVISION DRAINAGE DISTRICT IN THE  
TOWN OF LAFAYETTE, COUNTY OF ONONDAGA, NEW YORK**

**WHEREAS, a written Petition, dated June 28, 2006, in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of LaFayette, Onondaga County, New York, for the creation of the Cohen Subdivision Drainage District in said Town in an area known as AThe**

**Grove@ and bounded and described as set forth on Schedule AA@ attached hereto; and**

**WHEREAS, the costs in connection with the creation of said District, including all legal and engineering expenses incurred by the Town, and all costs of construction of drainage facilities necessary to serve said district extension and also all costs and expenses incidental to the acquisition of necessary lands and rights-of-way therefore will be paid by the petitioner(s), its grantees, successors or assigns, who will subsequently execute, if necessary, an instrument conveying title to all or such portions of such drainage facilities including lands or rights-of-way that may be required by the Town Board of the Town of LaFayette, free and clear of all liens and encumbrances, to the said District at no expense to said District or the Town of LaFayette; and**

**WHEREAS, no other agency (including any Federal agency) is involved within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to this matter, with the result that the Town Board shall act as lead agency in this matter; and**

**WHEREAS, the extension of a special district is an unlisted action for purposes of environmental review under SEQR; and**

**WHEREAS, the Town Board had 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; 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 Councilor McConnell, seconded by Councilor Knapp, it is hereby**

**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:**

**The improvements shall consist of the installation of drainage facilities to provide surface water and storm drainage for the residential development which may eventually be constructed within the area of said district extension. Such installation will result in no substantial adverse changes in existing air quality, water quality or noise levels, and no substantial increase in solid waste production. The potential for erosion, flooding or drainage problems will be greatly reduced. 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. Eventually, home owners and residents will 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. Part 617.11 have been identified as being relevant to this action; and it is further**

**ORDERED, that a hearing of the Town Board of said Town of LaFayette shall be held at the Town Hall located at 2577 Route 11 in said Town, on the 25<sup>th</sup> day of September, 2006, at 6:30 p.m., or as soon thereafter as the matter can be heard, to consider the said Petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said Petition as may be required by law or proper in the premises; and it is further**

**ORDERED, that certified copies of this Order shall be duly published and posted as required by law.**

**Upon a canvass of the Town Board, the votes of its members upon the Resolution were as follows**

<b>Supervisor Scammell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Bailey</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Shute</b>	<b>Voted</b>	<b>Yes</b>

**The foregoing Resolution was thereupon declared duly adopted.**

**SCHEDULE AA@**

**ALL that tract or parcel of land situate in the Town of LaFayette, County of Onondaga and State of New York and being further described as follows:**

**BEGINNING at the intersection of the town line of the Town of LaFayette to the north and Town of Pompey to the south and the westerly road margin of Coleman Hill Road;**

**THENCE N.82E35'30"W., along the town line a distance of 229.44 feet to a capped iron rod found at a northwest corner of the town line between the Town of La Fayette to the north and west and the Town of Pompey to the south and east;**

**THENCE N.82E54'24"W., passing through a iron pipe found at 1437.75 feet and continuing a total distance of 1460.67 feet to the easterly shoreline (contour elevation 639.6 feet Barge Canal Datum which represents the spillway crest elevation as it existed on March 3, 1982) of said reservoir;**

**THENCE in a generally northerly and easterly direction along the shoreline as defined, a distance of 1319.27 feet;**

**THENCE N.05E35'04"E., passing through a capped iron rod set at 9.57 feet and continuing a total distance of 33.30 feet to a capped iron rod set;**

**THENCE N.87E45'14"E., a distance of 43.98 feet to an iron pipe found;**

**THENCE N.23E04'38"E., a distance of 145.47 feet to an iron rod found;**

**THENCE N.00E00'42"W., a distance of 263.88 feet to an iron pipe found;**

**THENCE S.86E51'50"E., a distance of 61.61 feet to an iron pipe found;**

**THENCE N.07E41'20"W., a distance of 16.29 feet to an iron pipe found;**

**THENCE S.86E51'50"E., a distance of 319.15 feet to an iron pipe found;**

**THENCE N.86E25'00"E., a distance of 345.89 feet to the westerly highway limits of NYS Route91**

**THENCE S.14E06'30"E., along the westerly highway limits of NYS Route 91, a distance of 364.44 feet;**

**THENCE S.15E08'40"E., along the westerly highway limits of NYS Route 91, a distance of 790.90 feet;**

**THENCE S.19E21'37"E., along the westerly highway limits of Coleman Hill Road, a distance of 175.57 feet;**

**THENCE S.22E13'01"E., along the westerly highway limits of NYS Route 91 (Coleman Hill Road), a distance of 216.69 feet to the point of beginning.**

**CONTAINING 38.394 acres of land more or less.**

**2. Zumpano Subdivision.**

**15) Zoning Review (GS/MK).**

- a) **Jamesville Reservoir Preservation District/JRPA change.**
- b) **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) .**
- c) **Corridor Plan.**
- d) **Digitized zoning map, correction & amendments.**
- e) **Density (rezoning from A-R to Rn).**
- f) **11/20 signage for local businesses.**

**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.**

- **NYS Supreme Court rules in town's favor.**
- **Appealed by Mr. May.**

**C. Robert Shute – Route 11 – Judge Gideon, Town of DeWitt Court rules in town's favor, 5.16 sentencing. 7.11.06-no fine, 7.18.06-\$250, 8.08.06-\$750, after that-\$10k. CCF – Judge Gideon.**

Supervisor Scammell believes Ralph Lamson advised he has cleaned his property up.

**D. NY Limited Partnership (Apple Ridge Apartments) v. Town of LaFayette Board of Assessors & Board of Assessment Review.**

**E. Velocitel/Cingular: Lease equipment separation parameter.**

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

**A. Cramm Communications**

This was discussed earlier in the Meeting.

**B. Crime coverage – review of town books .**

**C. 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.**

**D. SPDES – MS 4 Phase II, in kind.**

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

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

**F. NYS Department of Labor: prevailing wage rates.**

Kevin Gilligan said there is nothing new to report on this. The water district will all be subject to prevailing wage.

**G. CNY Community Foundation - Grants for Green Spaces.**

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

Councilman Shute said we are waiting for the check. We did get the grant.
- **Bailey Park: Boy Scouts (BM) – estimates in process. CNYCF - \$750, ToL - \$?.**

**H. Other – summer/fall meeting schedule: June 12<sup>th</sup>, July 10<sup>th</sup>, August 21<sup>st</sup>, September 11<sup>th</sup>.**

Leon Cook asked if it's up to him to get the concrete pad out of Bailey Park.

Councilman McConnell said he was going to talk to Leon about this. He will talk to Leon about this before making a decision.

11. **NEW BUSINESS.**

- **Others**

Sandy Smith submitted some quotes for insurance for the Ropes Course. There's enough money left in the budget to take care of this.

Councilman McConnell said the group that runs the Challenge Ropes Course doesn't cover any of this insurance even though they are paid by the users of it.

Supervisor Scammell said correct.

Councilman McConnell asked why that has been the arrangement.

Supervisor Scammell said Sandy Smith would be the best one to answer this.

Tom Chartrand said we collect user fees that are supposed to offset the cost. He thinks it's \$150/user.

Councilman Knapp asked about how much we usually take in on this.

Tom Chartrand said about \$2,000. This covers most of the cost.

**Councilmen Knapp moved and Bailey seconded the motion to accept the insurance quote of \$3,737.50 for the Ropes Course. Motion passed unanimously.**

Councilman McConnell said since we went through our briefing from the D.O.T., he would consider forming some sort of advisory group to come up with how we are going to integrate our opinion from this point on. He asked the Board to think about this for the next Meeting.

Councilman Knapp submitted the Mass Gathering Permit application for the 2006 Apple Festival. This is pretty much unchanged from last year except for the dates. An updated insurance certificate is attached.

**Councilmen Bailey moved and Shute seconded the motion to grant the Mass Gathering Permit for the 2006 Apple Festival and to waive the application fee. Motion passed unanimously.**

Councilman Shute said given the adoption of the water district and the changes in the budget standing, he would like to revisit the signs entering the town from the 4 corners.

Kevin Gilligan said several meetings ago we discussed the possibility of starting some seed money for the water district to allow the archeologists and the engineers to go forward. We had talked about \$150,000 to \$250,000. Presumably between now and the time the first payment was due, you would probably roll this on to the grants received. At this point we don't have to do anything else. At this point, the supervisor could issue a BAN. If the Board was in agreement with this, it would reimburse the town for expenses it has incurred to date, with outstanding legal and engineering bills, allow the archeological study and engineering surveying to go forward.

Councilman Knapp confirmed we are all approved by the comptroller.

Kevin said yes. He asked how much the reimbursement to the town is.

Tom Chartrand said about \$50,000 and there's approximately another \$30,000 in billing.

Councilman Knapp asked if this will blow our budget as far as the district budget.

Kevin Gilligan said no. This was all anticipated. At this level, we are getting quotes from M & T and may go right through them.

Tom Chartrand would think the Board will need at least \$150,000.

Councilman Knapp asked when the big money comes in.

Kevin Gilligan said that is what we are working on now.

Councilman Knapp asked about a ballpark time.

Kevin Gilligan said at the end of the year.

Councilman Knapp said it could be January rather than December of this year.

Kevin Gilligan said correct. We want to be sure the money is all there before we go forward.

**Councilman Knapp moved and McConnell seconded the motion to approve a Bond Anticipation Note for \$200,000. Motion passed unanimously.**

**12. Suggestions for improvement and positive contributions.**

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

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

<b>HIGHWAY FUND</b>	<b># 6017 - 6032</b>
<b>GENERAL FUND</b>	<b>#5987-5990</b>
	<b># 6033-6077</b>
<b>SPECIAL DISTRICT FUND</b>	<b># 6991</b>
<b>TRUST &amp; AGENCY FUND</b>	<b>#6079-6084</b>

**Motion passed unanimously.**

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

The Regular Town Board Meeting adjourned at 11:29 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

**Minutes adopted 9/11/06 with the following corrections:**

**Page 1 - # 4 Should read: Councilman Bailey seconded the motion.**

**Page 26 - b) should read: Supervisor Scammell is looking for information to come this week regarding some money.**