

Town Board Meeting Minutes – January 22, 2007

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

Others Present: Attorney - Kevin Gilligan, Esq.
Accountant – Thomas Chartrand
Building and Zoning Code Enforcement - Ralph Lamson
Assessor – Marshall Taylor
Engineer – John Dunkle
CEO – Ralph Lamson

Minutes: Deputy Town Clerk – Carleen LaRonde

Also Present: William Turner

- 1. Meeting was called to order by Supervisor Gregory Scammell at 6:34 p.m.**
- 2. Roll Call**
- 3. Pledge to the Flag – Councilor David Knapp**
- 4. A motion was made by Councilman McConnell, seconded by Councilman Bailey to accept the minutes of the Town Board Meeting of January 8, 2007. Motion accepted.**
- 5. Public Hearing – Councilman McConnell informed the Board that the Onondaga County Community Development Funding for 2007 Application was for Senior and Handicapped only. A public hearing could be held, but no application published 5 year plan to validate. Only validate for our own purposes but may toss out. Other options for eligible areas we need Attorney Gilligan's help. We could redo from last year. A cover letter could be done which would include LaFayette Beach and bridge work. Bailey Park we can do ourselves. In summary, we are eligible for some funding, but not eligible for rest.**

Supervisor Scammell asked should we resubmit. We should remove items not eligible and make other items urgent. Water district is satisfied. Councilman McConnell, Councilman Knapp and Councilman Shute agreed to keep in order. Councilman McConnell said high priority is safety issues. Councilman Knapp agreed. He also suggested that we get Town Highway Supervisor Cook's opinion. It is a concern but several years away. Not critical.

Building and Zoning Enforcement Officer Lamson enters meeting at 6:40 p.m.

Agreement to submit application deleting Items 1, 2 and 6. Review highway parts with Highway Supervisor Cook.

A motion was made by Councilman Knapp, seconded by Councilman McConnell to close the Public Hearing. Motion accepted.

6. Communications

A. Residents

Discussion ensued regarding the response from Robyn Tomlin to Dr. Rainer Brocke's article in the LaFayette Community Newsletter on global warming. There were several suggestions thrown out by the Board including open up some "free space" in the newsletter for similar discussion, and let the editor of the newsletter decide what can be done.

Continued discussion on the same issue was to hold a different type of open forum for this purpose and perhaps it could be held in another place.

Councilman Knapp suggested the Large Group Instruction Room at the High School would be a good place to meet. Supervisor Scammell suggested to invite anyone who would like to discuss this global warming issue, and also said that perhaps one or both above-mentioned parties would not prefer to participate in any type of meeting. It was a consensus that both parties would be invited to a meeting and if both were interested, then go from there.

B. Article in Syracuse Post-Standard, 1/1/07 "A Year with Americorps"? (LCS alumnus Stephanie Amidon) – Councilman McConnell stated that Ms. Amidon was a solid citizen and all the Board agreed that the community is very proud of her accomplishments and dedication.

C. LaFayette Optimist Winterfest: Request for Support for LaFayette Outreach – Councilman Shute said that the Optimists were having a sled dog demonstration, and possibly could help defray expenses. Tom Chartrand checked to see what the Town has helped support in other efforts, i.e. J-D graduation efforts, LaFayette's After Prom.

A motion was made by Councilman Knapp to help support the Winterfest sled dog educational demonstration and to make out a voucher for \$150.00, seconded by Councilman McConnell. Motion passed.

D. National Grid: Notification of Route Tree Maintenance – Councilman Knapp asked about tree maintenance. Supervisor Scammell said that periodically on the right-of-way, the problem trees are cut down or removed if they are a danger.

E. Discussion was also held on the Fire District contract. Attorney Gilligan said that we are a Fire Protection District and that a hearing on the budget is held when we do our own budget.

7. Special Reports – John Dunkle and Thomas Chartrand – Northeast LaFayette and Smokey Hollow Water District Financing.

Supervisor acknowledged John Dunkle to speak regarding the water district for the Town. Mr. Dunkle stated the amounts of money available from a grant and

Community Development funds. Discussion was held regarding the length of time of the loans and interest rates.

Area was reviewed by Onondaga Nation (Gonyea) and there are no concerns.

Survey is completed and the engineering plan is 80% complete. Plans and specifications will be done at the end of next week, then sent out to several agencies, some including Onondaga County, Department of Environmental Conservation, etc. and will be addressed in one month.

Plans will be ready to be authorized to go up for bid by March. The bid return timeline will be one month, then the Town will know how much the total project will be.

A public information hearing will have to be held in April and the apparent low bidder will be invited to attend for discussion of the entire project. Mr. Dunkle said he is geared to keep costs as low as possible.

Continued discussion on the Smokey Hollow Road 1800 ft. water line – Informed the Board that OCWA has offered to do the water line for a total cost of \$90,000. The residents involved would be required to pay cash to OCWA and that part of the construction of the water line would be removed from the total bid if that is what they want to do. Has not heard whether that will be done by the local residents involved but is only 10% of the total project cost. Because OCWA does all their own engineering and doesn't pay prevailing wages, it's a good deal to the residents concerned, and it would simplify our process if we could remove that part of the project. Mr. Dunkle showed drawing to Board Members on Smokey Hollow and area in concern.

Mr. Dunkle stated that everything is being done to keep costs down. Other bidding options will be done. The original plan was to service every property. Another option for the public would be to pay for their own services from the main line. This could help save/reduce amount of financing, and the Community Development money can be used. The \$30,000 grant can be used to help install wells. There are currently two homeowners. Supervisor Scammell agreed and the money is only available to low income. Onondaga County Community Development will administer but we need to publicize. The \$100,000 goes to the bottom line.

Councilman McConnell asked if we have our hands on the money. Mr. Chartrand replied that no grant money is available – it's only after we spend the money. For the EPA grant, we need to spend the money, submit invoices on an as needed basis. There is a \$200,000 contingency. Bottom line will be known when we get the bids back in. Mr. Dunkle is still trying to look at ways to keep costs down.

Councilman Knapp asked about the Rural Development money and when do we get it? Mr. Dunkle talked about a letter to the community and EFC. Attorney Gilligan said the Town needs to decide to move to EFC or Rural Development, or spend money to pursue both in case money doesn't come from EFC.

Councilman Knapp says there is no way to tell where we are with the EFC pool, and Mr. Dunkle agreed. We are in the pool. We need a letter sent to EFC saying we are interested if we wish to keep that option open. Councilman McConnell discussed the \$580,000 and how to use the money. Who is preferred if both say yes? The EFC minimum and maximum is locked in at 2/3 of market rate for 20 years.

Attorney Gilligan stated that there were 152 units (300 residents) and have not reached agreement. Supervisor Scammell said there was a 25% response rate. Councilman Knapp said that the Town needed to write an EFC letter. Mr. Dunkle presented Supervisor Scammell with a draft EFC letter, which Supervisor Scammell read aloud. A motion was made by Councilman Knapp, seconded by Councilman Bailey to have the letter typed and sent by the Town Clerk. Motion passed.

Councilman McConnell asked about the Bond Anticipation Note. Mr. Chartrand stated that all the soft costs are being paid from the BAN – approximately \$95,000 at this time. Mr. Chartrand also submitted a cost breakdown on the Smokey Hollow and Northeast LaFayette Water District costs to date.

Councilman McConnell also asked about road travel. Mr. Dunkle said there would not be any disruption to the local residents and water also remains till project is completed, tested, and 60 days after hookup from Village of East Syracuse. Then Village will turn off old line in ground. Town must fill old line with sand and that would be part of the permit. Supervisor Scammell stated that the Town must notify the residents. Mr. Dunkle added that there needs to be a meeting to tell the residents and an invitation to a Public Hearing must be sent out in March.

A question by Councilman McConnell was raised regarding the plumbing services needed by residents. Mr. Dunkle stated that the residents will have almost to the end of the year, which was an adequate timeline. Mr. Dunkle also stated that he hesitates to set a dollar amount.

Attorney Gilligan stated that we don't provide service to property line. We are spreading cost that residents would pay. Vacant lots will have to pay when hooked up. Councilman Knapp asked if we supply from hookup pipe coming out of main to property line. Attorney Gilligan said cuts to tap. OCWA does taps. This may be tough to reach consensus on.

Councilman Shute asked about Community Development and who met income restrictions, would it pay for \$1,000 plus cost to come to house? Mr. Dunkle replied that it would depend on the amount of applicants. A deadline needs to be set for Community Development. The income level – Family of 4 - \$45,000 income. Family of 2 - \$39,000. Mr. Chartrand stated it was similar to the School Lunch Program.

Mr. Dunkle said he needed direction. We need to pursue legal and engineering through Rural Development. Supervisor Scammell stated that the dilemma will be with the Health Department's requirement.

Mr. Chartrand asked if the EFC will allow refinancing. BAN is due in 2008. Try every 4 years. Supervisor Scammell has stated that that Congressman Walsh's office has confirmed.

Mr. Dunkle stated that he would be back at next Board Meeting and asked permission to put out bids. Supervisor Scammell stated that there was not a consensus but could we send a letter that would be helpful? Mr. Dunkle replied no, only when bids are returned.

Marshall Taylor stated that piece would be in September - Karen Carney and Mr. Chartrand. Will know who actual residents on Barker Hill are when the Town Engineer gives him the list.

Attorney Gilligan said bids will be back in April and binding decisions will be made for balance of term, alternate or not.

Mr. Dunkle also stated that the railroad permit fee and application will have to be made. Attorney Gilligan said a resolution to make any permits necessary a letter needs to be done.

On a motion by Councilman Knapp, and was seconded by Councilman Bailey, for all permits required by water district project. Motion carried.

Councilman Bailey asked about \$875 fee. Does it include both crossings? Attorney Gilligan said anything to do with water is coming out of BAN and Mr. Dunkle responded that two meetings will be necessary for County and Railroad.

Attorney Gilligan stated that Jamesville-DeWitt will need to fill out request for permits.

Mr. Chartrand said to continue to use BAN (EFC) short term. Option \$22,000 preliminary engineering.

Attorney Gilligan advised to hold off. At the end of one year, Mr. Chartrand to look at funding. Mr. Chartrand said in September we need to do a BAN. Grant money will not be available till construction is completed. EFC money is quick. Board authorizes voucher and then EFC sends the money. Attorney Gilligan said to talk to M&T Bank and do balance when time comes.

Mr. Dunkle assured the Board that the overall budget is low. It looks like it is over budget right now, but will work out in end.

Councilman Knapp asked about the Jamesville Grove construction. Mr. Dunkle couldn't answer. Construction was stopped. Too late to pave road but erosion is under control. Securities remain in place. Leon Cook has reviewed Zumpano Subdivison. Do we give company back money? Only if sign-off from Mr. Lamson, Mr. Cook and engineers. Mr. Chartrand checked to find that there was no security deposit made, only a letter of credit.

Attorney Gilligan stated that we are still missing real estate documentation on Cohen property (copies of approved plans).

Mr. Dunkle stated that this year we need to enact the SPDES. Councilman McConnell is chair and will get committee together. Attorney Gilligan stated that he heard there was a change to 2008. Mr. Dunkle agreed.

On a motion by Councilman Knapp, seconded by Councilman Bailey, the Board moved to Executive Session at 8:05 p.m. to discuss a personnel matter. Motion carried. At 8:15 p.m., the Board requested that Attorney Gilligan enter Executive Session. The Board returned to open session at 8:20 p.m.

A motion was made by Councilmen McConnell and Bailey, seconded by Councilman Shute, to appoint William Turner as an alternate to the Planning Board. Motion carried.

8. Reports

1. Assessors

2. Building and Zoning Code Enforcement – Ralph Lamson

Mr. Lamson stated that there were 105 permits issued in 2006 for a total of \$12,039. There were 17 single family residences, similar to 2005, but only 2 were issued between September through December 2006.

- a. 2330 Route 11 South, across from LaFayette Rural Cemetery, numerous violations – cleared. At 2300 - Truck plow not told to move or appearance ticket will be issued only for one junk vehicle
- b. Apulia Road – various violations south of Jamesville Reservoir – haven't decided
- c. Route 11A – junk, propane tanks/odor – told to clean up, if not clean-up will be put on tax bill. Nothing done until it can be put on taxbill.
- d. Code requirements for Town Office alarms (see 8B8b) – Councilman Knapp working on it.
- e. Non-residential building inspections/Farm Bureau (see 8B1) – Most farms are very conscious of safety.
- f. Discussion ensued about computer program and cost. Quotes were obtained and decision was made. Voucher will be submitted at next meeting.

3. Dog Control – Mr. James Moore transported a dog to another location and was injured during the transportation. Head and back injuries were incurred. Worker's Compensation paperwork has been filed with insurance carrier.

4. Highway Superintendent – Leon Cook. Mr. Cook was out due to inclement weather and may be able to return prior to end of meeting.

Councilman Knapp brought up an old voucher for \$500 (Ashburn Drive refund). Mr. Cook called Mr. Schoeck. Mr. Schoeck wants to donate the \$500 and have it applied to the Town Highway Department. Mr. Chartrand will transfer the amount from T & A to Highway Department Budget.

5. Justice Court – reports in packet for Jun through October 2006 and January 2007.

6. Library – Director Scott Kushner stated that Marshall Taylor helped in the process of making the Library a wireless facility. They have also decided to have a bake

sale for fund raising purposes on Election Day. The Library bought a copier, but will return for another model which will fit their needs better.

Discussion continued on the Library and expansion. Mr. Kushner wants the expansion, but no plans have been made. Supervisor Scammell has given the building plans of this facility to Mr. Kushner for review.

Councilman McConnell asked if they wanted their own facility. The problems would be water, heat. Would Community Council be housed in the building? Cost must be compared. Councilman McConnell will look into a grant writer. Supervisor Scammell also noted that the Library's Utility Room is small, but Mr. Kushner has discussed the need for more space, and perhaps bookshelves can be built in.

7. Recreation Director – Supervisor Scammell has two copies of the Community Council 990's for inspection by the Board members.
8. The Town Clerk submitted a year-end report and monthly report.
9. Town Supervisor's Report –
 - a. Shared services with others – fuel, salt, heavy equipment, trucks. Councilman Knapp asked about fuel. State contract for fuel? Mr. Chartrand didn't know the answer whether it is a State or County contract. He does know that Tully shares with their school district. Leon Cook could combine with LaFayette Schools for a better price. Councilman Bailey added that a hypothetical scenario could be the LaFayette Fire Department, the Town and School District to share services.

Attorney Gilligan stated that the LaFayette Fire Department is a private organization, and that they may not be able to participate in shared services. But, the Town's Highway Department certainly would be good. Ideas will be shared with the Supervisor for the Town of Fabius by Councilman Knapp.
 - b. Supervisor Scammell discussed Upstate Temperature and a heat pump replacement at the cost of \$484. Building units are aging. A motion was made by Councilman McConnell, seconded by Councilman Knapp to repair the heat pump. Motion carried.
 - c. Fred's Locksmith quote was in to replace locks in the Library for the total amount of \$475. Motion made to pay the cost of the lock replacement by Councilman McConnell, seconded by Councilman Knapp. Motion carried.
10. Supervisor Scammell and Attorney Gilligan spoke to Litigation and other legal matters.
 - a. Onondaga Nation Land/Land Right Claim – no change
 - b. William May mobile home on Jamesville Reservoir - heard nothing more on May working on settling record. May to appeal.
 - c. Robert Shute – Route 11 – no change
 - d. Junkyard Ordinance – doesn't change scope. Adds to it. Better to make change to New York State Building Code section, junk, accumulated old, wrecked materials, etc. Obligation on Town's part. Bidding requirements we need to have if up to \$20,000, but not if \$200. Hearing may be needed if not paid. Discussion on time frame stated. Use of Constable offered by declined by local resident. Back to drawing board on this item? Mr.

Lamson has authority. Make the timeline 14 days to have something removed.

- e. Amend Zoning Ordinance to change Dog Kennels to A-R to Business or Industrial. Airstrip research needed.
- f. Amidon Road – get abstract. Hoping it shows length of Amidon Road. If not, it may be helpful for title company.
- g. Grader Mill Road – Notice of Claim: one year and 90 days to commence law suit. We did not create highway by user. It is a benefit for him.

Item d. Continued - Councilman Bailey reviewed city ordinances. Attorney Gilligan said to change to 30 days in all 3 paragraphs. Councilman Knapp said we need to have a public hearing.

On a motion made by Councilman Knapp, seconded by Councilman Bailey, a Public Hearing will be held on February 26, 2007 at 6:30 p.m. for the purpose of Amending the Junkyard Ordinance. Motion carried. A notice must be done and sent out on February 23, 2007.

Item e. Continued - Councilman Knapp, continued discussion on Item e. Dog Kennel – Councilman Shute backing up. Regarding Reidy Hill and Sentinel Heights and A-R District. The dispute was due to size of plot where kennel was to be placed. One of the issues was commercial, but the people moved. Attorney Gilligan needs to read ordinance. Discussion ensued. Councilman McConnell agrees with Councilman Shute that we need to work on individual needs. Attorney Gilligan stated that in A-R District if on an operating farm. Interpretation needs to be clarified and given to Planning Board to put “some teeth” into it. Area determines decision. Arrange requirements, i.e., so many feet away from neighbor. Dogs louder than other animals. Councilman Shute reiterated that the issue that was in question, the property owner has now withdrawn the request. More discussion continued with hypothetical situations.

Supervisor Scammell and Councilman McConnell in discussion both agreed to leave the issue alone till there was more time to invest, and to set it aside for now. Councilman Shute agreed.

- h. JFD/LFD Fire Contracts – Fire contracts for 2007 are signed.
11. Unfinished Business
- a. Crime coverage – review of town books (TC) - Town Clerk’s Cash Receipt Books are available for review.
 - b. 2007 Park Designs (Bailey Park, LaFayette Beach & Stafford Park) – Councilman Shute said regarding the playground and Jerry Marzo, said that the proposal was if project paid up front, there would be a discount. Mr. Chartrand stated that we can make a deposit, but cannot pay before service has already been rendered. We need a detailed invoice and remember labor must be separate and not invoiced to Town.
 - c. Tax collection – nothing new. According to Mr. Chartrand, the person in question hasn’t paid 2007 taxes. He hasn’t checked into the 2006 taxes. This reference is for the 2005 taxes. On a recommendation of Supervisor Scammell, a motion was made by Councilman Knapp, seconded by Councilman Bailey to have the Town Attorney send a letter to the party in question regarding the amount due to the Town for the 2005 unpaid taxes. Motion carried.

- d. Community Foundation - Regina Reinschmidt, C.C. Director has sent check for \$200 and project is complete.
- e. Signs – Councilman Knapp said that there are three spots approved and one pending (Route 20E).
- f. Community Development
- g. U.S. Flags – Waiting on lighting. Councilman McConnell said he'd come up with idea for next meeting.
- h. For Town Board review: Items 3 and 5 still working on.
- i. Regarding Fire Service Retirements, a motion was made by Councilman McConnell, seconded by Councilman Knapp to move to retirement applications. Motion carried. Supervisor Scammell signed documents.
- j. Councilman Knapp brought up the topic of workplace violence. Attorney Gilligan didn't get a copy. There are mandates already in place from State, etc.
- k. Councilman Knapp asked about the Kurt Watson greenhouse application. Clarification was that the landscape business is being handled out of the brown building. The application is for a workshop only and is a controlled site. No retail sales.

A motion was made by Councilman McConnell, seconded by Councilman Bailey that the Town Clerk's cash book was audited and approved by the Town Board. Motion carried.

A motion was made by Councilman Knapp, seconded by Councilman McConnell, to audit and pay all bills.

GENERAL FUND	# 7012 – 7037
HIGHWAY FUND	#7006-7011
SPECIAL DISTRICT FUND	#7039
TRUST & AGENCY FUND	#7040-7041

Motion carried.

On a motion by Councilman Knapp, seconded by Councilman Bailey, the meeting was adjourned at 9:40 p.m. Motion carried.

Respectfully submitted,

Carleen LaRonde
Recording Secretary