

Minutes of the Town Board Meeting held by the LaFayette Town Board on April 23, 2007 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, Councilor
Thomas Bailey, Councilor
William McConnell, Councilor
Adrian Shute, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Ralph Lamson, CEO
Kevin Gilligan, Town Attorney
Tom Chartrand, Bookkeeper
Marshall Taylor, Assessor/Clerk
John Dunkle, Town Engineer
Bernie Thoma, Thoma Development Consultants
Anne Sweeney-Nakas
Jim Nakas
Pete Paul, Dep. Supervisor
Sheila Kelley
Joan Belmont
Bruce Donohue
Mark & Sarah Dadey
Jacqueline McIntosh

1. **Dep. Supervisor Paul called the meeting to order at 6:31 p.m.**
2. **The Town Clerk took the Roll. All else present.**
3. **Pledge to our U.S. Flag led by Town Councilor Tom Bailey.**
4. **Councilor's McConnell moved and Knapp seconded the motion to accept the April 9, 2007 Town Board Meeting Minutes as submitted by the Deputy Town Clerk. Supervisor Scammell abstained. All else voted aye. Motion passed.**
5. **PUBLIC HEARINGS & SPECIAL REPORTS.**
 - **Tennessee Gas – Zone change from Agricultural-Residential to Industrial. (SOCPA resolution)**

Kevin Gilligan said this is a result of the applicant filing an application to do some work at their site before the Planning Board. At some point when doing the new zoning maps over the years, a zoning classification for this property was inadvertently dropped from the map. It should show this property is zoned Industrial

rather than Agricultural/Residential. This is just to put the property back the way it was on the Zoning Map.

Pete Paul said in the packet they got they listed some problems with PCB's. Does that affect the zone change?

Jim Nakas said the Planning Board held a public hearing on this last Tuesday and the gas company sent two contractors who knew nothing about any of the questions the Board or public had regarding this. The issue was that there was a PCB problem with the soil at that site at some point in the past. The surrounding property owners are concerned whether the problem has been remediated and is it in their wells, etc. The contractors knew nothing about this. The Planning Board decided to continue the public hearing until next month and requested the company send people who are current employees.

Ralph Lamson said it was probably 15-20 years ago that they had the problem. Supervisor Scammell asked Ralph if he would get notified of this.

Ralph said he didn't now. He thinks the big question is what they can go forward with and what they can't.

Supervisor Scammell asked Jim if he saw any reason to hold off on the zone change.

Jim said he wants to see data on the PCB's before and after the remediation to see if it was successful.

Councilman Knapp asked if they would do testing now or after they cleaned it up 15 years ago.

Jim believes there was a remediation 15 years ago but no one seems to know what it was.

Supervisor Scammell asked for any other comments or questions. There were none.

Councilmen Knapp moved and Bailey seconded the motion to close the public hearing. Motion passed unanimously.

Kevin said the Board could table action on the zoning until the Board gets clarification of the PCB's. This is not a zone change in the general sense of the word. This is just correcting the map to show actual usage.

Councilman McConnell thinks it's been an error long enough so the Board could wait.

Jim Nakas wondered if it wouldn't be wise at this point for our legal counsel to call the DEC and see if it has their blessing.

Kevin said they generally require the applicant to provide the information to save on legal expenses. If there was a problem on this site 15 years ago and it was identified by the DEC, it would be cleaned up by now.

Mary Jo said she noted what the Board is doing has no impact on the application before the Planning Board. They will determine whether or not the project can go forward. The action the Board would be taking is merely a legislative act to correct the Zoning Map. Tennessee Gas already has the zone change approval granted back in 1960.

Councilmen Knapp moved and Bailey seconded the motion to correct the Zoning Map by changing the Tennessee Gas property back to Industrial from

Agricultural/Residential on the Zoning Map as previously granted. Motion passed unanimously.

- **Northeast LaFayette & Smokey Hollow Water District: Financing - EFC/RD, other.**

John Dunkle was present to discuss the water district. He handed out a revised project budget with financing options to the Board. He said the Board received the bids for the project and he has reviewed them and will eventually make the recommendation that the low bidder be awarded the contract if the numbers are correct. The costs have elevated since our estimate a couple of years ago. The bid came in low enough that we will still be able to do the whole project. As far as the engineering and legal work, we are on target. The only extra costs are about \$11,000 in railroad application fees and the expenses from the Onondaga Nation regarding the archeological study. Having said all that, it still looks like we are at the 1.4 million dollar mark. He would like to get some direction from the Board as to which financing agency to go with. We have guaranteed commitments from both Rural Development and EFC. Rural Development offers a 38 year loan and EFC offers a 20 year loan. We are at a point now where he and Kevin Gilligan have received letters from EFC and Rural Development with quite a list of things they need. It will cost quite a bit of money for them to follow through on both of these loan approvals. The last time he thinks the Board left it that they wished to keep them both going until expenses would be incurred.

Supervisor Scammell said it's time for the Board to pick Rural Development or EFC.

Kevin Gilligan said the Board needs to make a decision on this and he needs to discuss with the Board in Executive Session the issues relating to title and some of the requirements of the two entities and the differences between them. This might or might not make a difference to the Board.

Councilor Shute noted the budget shows a total annual cost for Rural Development of \$410 and then it shows total life of loan costs per unit of \$290 x 38 years. Why is this less?

John Dunkle said he took out the water usage just to calculate the loan cost.

Councilor McConnell asked if the \$222,000 equals the \$177,000 from awhile back.

John said it went from \$177,000 to \$222,000.

Councilor Knapp asked if the Community Development Grant is to be used for hookup, etc.

John said we actually got two grants from Community Development. One of those is not included in this budget.

Supervisor Scammell asked for any questions from the Board or the public regarding financing for the Northeast LaFayette Water District. There were none.

John Dunkle said he has several forms that will require the supervisor's signature which he has already been approved to sign. The design requires 6 easements to be obtained from property owners. He sent a letter out to the property owners involved. He has received one confirmation so far that the property owner

will do it. He has received one letter from a person who is not very eager to do it. He has an alternative design if we cannot obtain an easement.

Kevin Gilligan said if the Board wishes, it could consider a resolution to authorize the supervisor to sign the 3 license agreements with the railroad and to sign any and all documents necessary for the town to obtain easements and permits in that area in order to facilitate the water line.

Councilor's McConnell moved and Knapp seconded the motion authorizing the supervisor to sign the 3 license agreements with the railroad. Motion passed unanimously.

Councilor's Shute moved and Knapp seconded the motion authorizing the supervisor to sign any and all documents necessary for the town to obtain easements and permits in that area in order to facilitate the water line. Motion passed unanimously.

Bernie Thoma was present to discuss his report on the LaFayette Hotel Building. He submitted a report dated 4/17/07 and a revised report dated 4/20/07. They identified 7 development issues as well as some recommendations and a conclusion. The property is very important to the Hamlet and the town needs to be proactive. The building shouldn't be taken unless you can take control of the lot behind it. The town should be involved in its redevelopment and their recommendations are as follows:

- 1) The town should work with Onondaga County to postpone foreclosure on the Hotel to provide additional time to intervene in the situation.
- 2) He doesn't believe the town should take ownership of the building without getting the vacant property behind it. He believes the town should look into the purchase of the second piece of property. This lot is where the septic system is. You need it for the water and it provides badly needed parking. It's key that you have this property too. A purchase option, rather than outright ownership, will limit the level of risk to the town.
- 3) One possibility for redevelopment is to team with a not for profit housing agency with experience managing rental property. The building would be used for housing units. If you can obtain the adjacent property, he recommends going forward with this. There is some funding that will be available in the spring. It's "Restore New York" money. If you can't work out a deal under # 1 and # 2 above, then the following recommendations come into place.
- 4) The town should consider accepting the Hotel building and use Eminent Domain to attain the adjacent lot. The building is not usable without the adjacent lot.
- 5) As an alternative to Recommendation 4, the Town could allow the County to foreclose on the property, and work with the County to take ownership prior to a public auction. As in # 4 above, the Town must be willing to undergo Eminent Domain proceedings to acquire the adjacent lot if a reasonable purchase arrangement cannot be negotiated.

He asked for any questions.

Councilor Knapp asked if he was able to talk to the D.O.T. about their proposed project.

Bernie Thoma said he was able to look at their potential designs and they had a couple of alternatives. He couldn't tell what their plans were going to do to the front parking along Route 20. One of the designs did offer some street parking on Route 11.

Councilor Knapp asked if they had any discussion about right-of-ways.

Bernie said from the information they saw, they couldn't tell this.

Councilor Shute asked him to explain why the building is so important to the town.

Bernie said because it's the focal point for the Hamlet. In it's existing condition, it doesn't do anything for the community. Structurally the building seems to be in good shape. There is a lot of potential to create some housing and commercial space that seems to be important to the town. If the town doesn't take proactive steps, what happens to the building? It may still be developed and work out but someone with enough money to pay the back taxes may buy it and try to do something on a shoestring.

Councilor Shute asked his view on what a demolition of it would mean to the town.

Bernie said it would be a shame to loose a building that doesn't need to be demolished. You could put a little park there or use it for parking. When you look at your 4 corners, it would be a shame to make that decision too quickly. It looks to be a developable building.

Councilor Shute asked if in his opinion it would be better to keep the building then to put in a park or something like that.

Bernie said yes. From the surveys that were sent out, the desire was there for additional commercial property. If you take the building without taking the back lot, he isn't sure what could be done. Anyone who takes ownership of the building without control of the back property would be seriously limited on what they could do.

Councilor McConnell asked Bernie Thoma to discuss the town taking control but not ownership.

Bernie said if you can negotiate a purchase option with the owner and the possibility of transferring that ownership to another entity, you could direct the property to a owner without being involved. There is a need to have the purchase option to give you the time to do this.

Councilor Shute confirmed the purchase option would be in conjunction with putting off the auction.

Bernie said putting off the auction would have to happen first as that is coming very soon.

Ralph Lamson asked if it is such a good piece of property, why didn't Mr. Muraco develop it?

Bernie couldn't tell what the motivation was for pulling out the windows, etc.

Ralph said it was because he couldn't get renters for the 48 more units he built down the road.

Councilor McConnell said Mr. Muraco couldn't receive a permit from the Dept. of Health because he didn't put the proper septic in and couldn't get DEC approval.

Ralph said he could have done this for \$25,000 but chose to quit because it wasn't worth this amount of money. He said it wasn't worth the additional \$25,000 to develop it.

Councilor McConnell said it also became a problem as the neighboring property owner wouldn't allow Mr. Muraco to put his leach field on his property.

Bernie thinks the hope of the Town is that the building can be used for more than housing.

Ralph asked what he thinks it will cost the town to get involved and follow this through.

Bernie said it would depend on what role the town is going to play. If it's going to act as the broker and find another buyer, probably the only cost for the town would be the cost of the option for the back lot presuming the owner is still going to donate the building.

Marshall Taylor said the current owner tried to sell this building prior to walking away and he didn't have any luck. Why would the town be better at finding someone than he was?

Bernie said if the town can find some funding through Community Development, it might be beneficial. He is saying it's worth the town taking a proactive position on this.

Marshall said he has lived here all his life and doesn't believe that building is worth investing in. He asked about the asbestos.

Councilor McConnell said he looked at the building with a couple of experts who advised it's fine as it is. If we tried to remove the asbestos, it would be an issue. He thanked Bernie Thoma for providing his analysis for the Board to help decide if they wish to take the building over or letting it go for auction. The decision is what's best for LaFayette.

Bob Drumm asked if there are still fuel tanks in the ground as it used to be a gas station.

Supervisor Scammell didn't know. He would presume there are still two there.

Councilor McConnell said last year they had the Onondaga County Health Dept. come out with an old map which didn't show the fuel tanks.

Councilor Knapp asked if he knew when the old gas station closed down.

Marshall Taylor said he thinks the gas station went out in the 60's and he doesn't remember the tanks being dug up. He asked what incentives the town would be offering to a purchaser.

Bernie Thoma said one incentive is the ability to take advantage of a state program that could be used by the town to help restore the building.

Councilor McConnell said the town would never take ownership or use tax dollars. If you work with a partner and pursue the grants to lower the cost, it might be beneficial. Mr. DeVito said the same things the analysis points out when he came before this Board.

Marshall Taylor believes that developer also advised he wouldn't be interested in purchasing that property.

Councilor McConnell said Mr. DeVito said he wouldn't purchase the property as he didn't want to be seen as promoting the development and then wishing to develop it himself.

Ralph Lamson asked how you can pull this off without taxpayers money being used if you are going to purchase the back property?

Councilor McConnell has no idea what it will cost to write the purchase offer. He believes it's up to the Board now to decide which course to take. This has been going on for 2 years. Does the Board wish to take the risk?

Kevin Gilligan would suggest any costs incurred in setting up deals or contracts could presumably be recovered on the package going out to the developer. It could end up zero cost to the town and could become a taxable parcel rather than a park.

Marshall would think in a whole year we would have a better plan than what we have.

Councilor McConnell said since December 2005 it has been an ongoing process of hurdles to leap over in dealing with the owner and the town. This is to finally put this Board to task as to what they want to do with the building.

Councilor Bailey said one of the things that keeps going on in his head is not knowing what we are dealing with regarding the DOT. We know there's going to be a major renovation in the center of town. If they decide to put a turn-right lane on Route 11, it could impact that building.

Councilor McConnell said their presentation portrayed a turn with actual grass in front of that building. The property line actually extends into the DOT easement.

Supervisor Scammell said he believes at the presentation the DOT discussed turn lanes on Route 20 but not on Route 11. He understands Councilor McConnell's wanting the Board to make a decision on this. The first decision is whether the town wishes to request the delay of this property being put up for auction.

Councilor McConnell said working with Mr. Thoma's staff over the past two months was an extremely professional experience. He thanked Mr. Thoma for coming this evening and fielding questions.

Sheila Kelley was present to discuss her home occupation that is not being conducted within the home.

Ralph Lamson said the applicant didn't meet all the criteria as it wasn't being conducted in the home. He sent it to the Zoning Board of Appeals as they have the power and duty to review this. There is a section on an appeal case that the ZBA can hear a case and determine it could be done if there is "practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, to vary or modify the application of any of the regulations or provisions of this Ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done."

Councilor Shute said he was at the meeting and he felt the Zoning Board of Appeals was pretty clear on how it stood that this wouldn't hold up as the zoning prohibited a business being outside the house. They suggested Ms. Kelley come to the Town Board to review the language of the Ordinance. He suggested she come to the Town Board too. He agrees the way it's written now, it's very clear that an unattached building does not allow this. He thinks the standard that should be used for looking at these businesses is the size and impact on the surrounding areas, the noise, etc.

Mary Jo Kelly spoke as Chairman of the Zoning Review Committee. She said if you contain your home occupation within your home, you are more careful of it's size and growth as you don't want it to impact your family. If the business is outside the house, it is much easier to allow it to grow and it may impact your neighbors. The intent of the Ordinance is to allow someone the convenience to work out of their home. If you agree to allow businesses to be conducted outside the home, you may as well do away with Residential Districts as you are allowing businesses everywhere.

Sheila Kelley said it's not necessarily a hardship for her to have the business in her home. The problem is that she has a personal life and wants to have her home without the employees in it. She pays taxes. It's her property. Why can't she have this in a detached building? Nothing would change if this was being conducted in her home other than where the employees will be each day.

Kevin Gilligan asked if she was an employee.

Sheila said she is part owner. She submitted the paperwork showing she is part owner of the business.

Anne Sweeney-Nakas said the Town recognizes the validity of residential areas and she believes the expectation when people buy a home in a residential area is not to expect a business being conducted there. She believes someone has a right to have a business within their home that they operate out of. When she looks at the types of businesses that are allowed in the home, they are things that people do. She sees a room in a house with some office equipment that the owner of the house actually works out of. This is not the case next door. The business office for the construction company operates whether Sheila or Jason (the other owner) are there or not. Currently there is a construction crew being housed there. They are being housed on site in the home. She firmly believes an office in a home would not have construction vehicles with more people staying there. This again is more employees of the construction firm being housed there. There is also construction materials there.

Sheila said the materials there are for her personal use.

Anne said residential should mean something. She thinks when people look to buy homes in LaFayette and pay taxes, they don't expect there to be a business in their neighbors garage or barn. She has no objection to Sheila and Jason moving the office part of their business into the home. If this happens she is in support of the standard application for this office to be in her home being made. Living next door, she shouldn't be obligated to put up with the business

being run in the barn. She doesn't believe this is the spirit of the code as it was written.

Sheila asked what Anne thinks will change if the business is in the house.

Anne said for one thing, it would be in compliance with the code.

Sheila asked what she doesn't like about the business as it is.

Anne doesn't feel the Board should be under obligation to change the whole zoning to allow a business in the barn.

Sheila asked if there was something she would be in favor of doing to allow this.

Anne said she would not be in favor of changing the code. What is an acceptable business to one person in an unattached building may not be acceptable to someone else. She thinks if people want business on their property, they can purchase property in Otisco or somewhere that doesn't have zoning. Once again, she has no objection to the business office moving inside the house. The construction workers in a regular business would leave at night.

Sheila said they are also friends of hers.

Anne said however, these friends/employees have been housed in the barn without toilet facilities.

Sheila said they stayed in the camper and came in the house.

Anne said that is not always the case. She believes this stands on its own. This is a business that is out of compliance with the code as it stands. The answer is to move the business into the home or move the business off site. It's a choice that Sheila made to put it in the barn and making it out of compliance.

Sheila said she didn't know this.

Anne said Jason did know this. When you do something it's your obligation to find out what is allowed. She believes this is out of code. It's been well known that it's out of code. They have gone along with the position that it go to the Zoning Board of Appeals. It's not her intention to put this out of business. If there is a period of time that is needed to put the office in her home, she would be in agreement with it.

Mary Jo advised the Town falls under New York State Building Code. Ralph advised there is an amendment to this code that will take effect sometime this summer. This amendment regarding home occupations is more stringent than what is written in our existing Zoning Ordinance.

Bruce Donohue said you have a person that might build a barn to store his vehicles in and then start repairing cars, etc. there. He believes this could become a slippery slope. He would have to agree that you shouldn't have businesses that do expand beyond the confines of the house. Once you start expanding your business into a detached building, you have problems. He thinks the amendment from New York State tells you what their thoughts are. When a business expands the house, he believes they should begin looking for commercial space.

Supervisor Scammell agrees a key is whether it's intrusive or not.

Councilor Shute said he agrees with everything everyone has been saying. He agrees you need to draw the line to be able to stop the expansion of the business. He is saying the line between the house and unattached garage is

arbitrary. He thinks you should be allowed to keep your business in an unattached building if you should so choose to on your property.

Anne Sweeney-Nakas said the Zoning Ordinance reads “the business is incidental to the home”.

Councilor Shute said the only thing the Board could look at is changing the wording of the Zoning Ordinance.

Kevin Gilligan said you would have to change a few of the criteria.

Mary Jo said if you propose to change this now, you will only be changing it for about a month until the new amendment takes effect under the NYS Building Code. She is not in favor of changing this for a month to allow this application. This proposal would have to be referred to County Planning along with the future amendment when proposed and she thinks they would wonder what we are doing? If we amend this for a month, we are knowingly allowing what will be non-conforming uses in a short period of time.

Bob Drumm said it might not bother Councilor Shute if a business was next to him but it might bother his neighbor.

Councilor Shute said he agrees. He doesn't believe any business should be able to infringe upon the lifestyle of the neighborhood.

Bob Drumm asked why he wants to circumvent this then.

Councilor Shute said by changing some of the zoning by eliminating the detached building, now it's up to the applicant that they meet all the other requirements.

Bob asked why he wants to change the law for one person. The law was written for the Town.

Councilor Shute thinks there's a lot more of these types of things going on. He would like to see these other people who are running these types of businesses grandfather in.

Marshall Taylor said he lives on Route 11 South going towards Tully. Mr. Thorpe sells pumpkins and is dismantling vehicles, etc. The residents who used to complain to him don't anymore as an article came out in the recent Town Newsletter advising people to have their cars towed to this property. We need this zoning control by the Zoning Ordinance. The neighbors aren't complaining any more after this article came out. This Newsletter says the zoning doesn't mean anything.

Ralph asked why the Zoning Board of Appeals couldn't hear the appeal on this case as it says they can.

Kevin Gilligan said the ZBA has appellate decision only. They can determine whether or not the CEO is correct. If they find certain circumstances, they can grant a use variance. They can review the interpretation of the CEO's decision.

Sheila Kelley said she understands what everyone is saying. She hasn't decreased the value of anyone's home. She has put money into her home which increased her property value and as well as her neighbors.

Supervisor Scammell believes she indicated earlier this evening it wouldn't be a hardship for her to move her office into the house.

Sheila said she wants her personal life. She could bring this business into her home but would rather not. It's her property and she pays the taxes there.

Jacqueline McIntosh said she lives across the street. There is a considerable number of vehicles coming and going. She pays taxes also and it's noticeable.

Mrs. Belmont said she is part owner of the property. The vehicles are all connected to the farm except for the two employees. If this business moves into the house, it will go into the garage which means her car will have to be outside. Once one of the employees smokes and she has asthma. The people that have been in her home are extremely dear to her. They are only here for a couple of weeks.

Supervisor Scammell confirmed they have an active farm and some of this traffic is due to the farm activity and not due to the business.

Anne Sweeney-Nakas said it's due to the horse business also which is a whole separate issue. She understands what Sheila is saying. She wishes at the time when Jason was informed, they had gone through the proper steps. She works in an office that is no smoking. She understands moving the business into the home may not be what they want to do but it comes down to a question of the zoning being what it is. If you don't want people smoking in your home, you can make a decision that they must smoke outside. She is very sorry this will cause a problem but she also doesn't feel all the other neighbors are under the obligation to see the zoning code violated when the business could be moved into the house or off site. Her concern about changing the wording in the Zoning Ordinance is exactly what's been discussed tonight. She knows there are other businesses out there in garages. Once you change the zoning to allow a business in a garage then we have businesses grandfathered in and, in essence, you will then have no zoning.

Councilor Shute confirmed with Kevin Gilligan that in order for one of these businesses to become grandfathered, they would have to come before the appropriate Board and make it official.

Kevin said in order to be grandfathered, it has to be legal at the time.

Councilor Shute said part of the benefit of this could be to get some of the stuff above-board and be sure people who are operating these businesses are adhering to the rules we have.

Kevin said at the same time, you would be baptizing all the other businesses out there.

Marshall Taylor said in his position as an Assessor, he gets phone calls from people who want the Town to help them stop someone's business. The vast majority of people who have complaints about their neighbors aren't going to come to the Town Board or call Ralph because they are afraid to come out against their neighbors. They want us to take care of the situation for them by our zoning, etc.

Ralph said to tell them he keeps their names confidential.

Marshall said a lot of people aren't going to come in and debate this issue with the Town Board.

Supervisor Scammell asked for any other questions or comments. There were none.

Supervisor Scammell asked what the Board's position was.

Kevin Gilligan said at this point everyone is at a standstill because the application doesn't meet standards. He asked if they had applied for a variance or an interpretation.

Councilor Shute said they didn't apply for a use variance but an interpretation which the Zoning Board of Appeals interpreted Ralph Lamson was right.

Kevin Gilligan said they can apply for a use variance or the Town Board can change the ordinance to include whatever it is they want to do or can change the zoning of the property. There are problems with each of these.

Councilor Shute doesn't believe the zoning of the property should be changed. This leaves us with changing the wording of the Zoning Ordinance.

Anne Sweeney-Nakas would think the least problematic would be to go back and ask for the variance. She would be willing to listen to the proposal.

Mary Jo said use variances are very very difficult to get and you have to prove it's not a self-created hardship and that the property cannot be used for anything else which she doesn't think is the case here.

Ralph Lamson believes you are basically wasting your time going for a use variance. He's heard John Langey tell numerous people it's a waste of time as you just can't get them.

Bob Drumm said in all the towns John Langey represents, he thinks John said twice one had been granted.

Mary Jo hates to have them spend the money for this application if the chances are slim that they will get one.

Councilor McConnell said he talked to Councilor Shute about this. He is not in favor of changing the Ordinance to fit one person. Ms. Kelley advised she moved her business out of her home because it was a hardship to her which is now a hardship for the neighbors. He believes she is going to have to rethink where to put this business so it's not a hardship for her or her neighbors. He is not for changing the Ordinance after listening to both sides tonight. He would recommend Ms. Kelley rethink the location of her business to see where it would not be a hardship for her or her neighbors.

Councilor Bailey thinks a zone change of the specific site of the property would be a clear precedent of spot zoning and he doesn't see how it would benefit the town as a whole. Any change of the local Ordinance could be construed as contradictory to the state changes we will see this summer and he doesn't see this as being a positive effect on the Town as a whole either.

Councilor Knapp doesn't see County Planning letting us do this even if we wanted to.

Supervisor Scammell said the Board can think about this and make a determination at the next meeting of what they would like to do. He would be inclined to say the Board think this over for the next couple of weeks.

Anne Sweeney-Nakas said the statuesquo will remain the same over the next couple of weeks.

Supervisor Scammell said yes. The Board does need to think about what we do about businesses that are not intrusive to the neighbors.

Councilor McConnell said he is not inclined to change his mind on this and would encourage the Board to decide what they want to do to allow Ms. Kelly to make a decision of what is best for her.

Jim Nakas said in the rush to attempt to encourage business we need to stop standing on our heads. We have good laws on the books. As a community, we expect the town to pass legislation and to treat everyone the same. It shouldn't be a zone change for this person and a law change for that person. Let's follow what we already have on the books.

Councilor McConnell asked where he sees the rush to encourage business.

Jim said there have been two instances. One was being entertained by the Board regarding property on the corner of Route 20 and Tully Farms Rd. and another site was on Route 11A.

Councilor McConnell said it also shows that the town doesn't have a Comprehensive Plan. He has never seen a rush.

Jim said even today the Board is here tonight to decide whether you change the law.

Supervisor Scammell said he was recommending a couple of weeks to allow Ms. Kelly time to review her situation too. It would be to give the Town Board and Ms. Kelly time to contemplate the issue.

Anne said the Board will meet again in 3 weeks to decide this. At that time either Sheila has a plan or we agree this business is in violation and a reasonable time is set for her to come up with whatever plan she wishes to do.

Sheila would expect any business owners that are operating businesses outside their homes should be notified that they can't be there any longer either. She heard people tonight state there are other people operating these businesses and she thinks they should be told too.

Supervisor Scammell said if there are other businesses, apparently the businesses haven't been intrusive enough for the neighbors to report them. That is how many of these situations get found out.

Anne say it seems that not being in compliance with the code is enough. If a business is currently violating the code, it shouldn't matter if it's intrusive or not. The people in the town expect if something is in violation of the code, it will be taken care of by the Town. When a law enforcement person finds out about a violation, it should be handled. People equate the Zoning Ordinance as the law of the town and expect it is enforced when the knowledge of something comes forward whether it's complained about or not.

Councilor Bailey said if the town had the resources to search for illegal home based businesses outside the norm, we would do this.

Anne asked if Mr. Lamson becomes aware of it, and even if no one complains, would it then be or not be Ralph's obligation to handle it?

Councilor Bailey said it would not stop with Ralph. It's up to any Town Board Member up here.

Supervisor Scammell said this will be tabled until the next Town Board Meeting. If the Town Board holds a special meeting and decides something sooner, he will be sure Anne, Jacqueline and Sheila are notified.

- **SPDES.**

John Dunkle said we are ending the 4th year of our SPDES Program. By the end of the 5th year, legislations must be passed.

Councilor McConnell said when we say a committee should do certain things, he disagrees. There is no more research to do. He thinks it's time to act now.

John Dunkle said he doesn't disagree.

Councilor McConnell said let's not say it's the committee's job. It's this Board's direction to state the ordinances must be drafted. He asked Kevin Gilligan if this had been done.

Kevin said he has drafts of them.

Councilor McConnell said the next step is to determine who is responsible to be proactive or reactive when someone comes in for a building permit.

John Dunkle thought the committee could help advise the Board. It's not necessary that the committee be there. The Board can rely on him to advise it. The whole process had been an encouragement to form such a committee to bring the whole town into the program. There's some things that he thinks the town could work at to better educate the public. The collection of people on the committee might be able to come up with a workable plan for that.

Ralph Lamson thinks the committee should have been shown the draft ordinances before they are voted on and he should see them as he is the one that is going to enforce them.

Councilor McConnell said to really get to the point, the committee hasn't been involved in this.

Ralph said he was only asked one question by Councilor McConnell.

Councilor McConnell said that is the only question he had at the time. This has been discussed by the Town Board for quite some time. The draft is before the Town Board to review and be acted on over the next few months. It's not being voted on tonight.

John Dunkle would recommend talking to some outside sources to see what we can do to be sure we bring ourselves into compliance. This is the last year of the program when we must educate the public sufficiently and educate the Board sufficiently.

Kevin said most of the education will take place between the engineer and applicants as they come before a Board.

Councilor Knapp said or Code Enforcement.

Kevin said the stuff that is being proposed is right out of the Dept. of State prototype that was given to them. It has been adapted for LaFayette. There's nothing really innovative.

Councilor Knapp asked if they are recommending the Board adopt this town-wide.

John Dunkle said this is up to the Board. The involved area affects about ¼ of the Town by the Reservoir. He must ask the Town Board to schedule a public hearing.

Councilor's Knapp moved and Shute seconded the motion to schedule a public hearing for May 14, 2007 to discuss the Annual SPDES Report. Motion passed unanimously.

Councilor McConnell wanted to be sure the Town Attorney sent Ralph Lamson a copy of the legislation for his input.

Kevin asked Councilor McConnell who else he wants to have the draft legislation sent to.

Councilor McConnell said the Town Board, Zoning Board of Appeals, Planning Board, Nancy Mueller, Leon and Ralph Lamson.

Kevin said he will send the draft to Mary Jo for circulation.

Councilor McConnell said they can email their input to him. The greatest challenge of this is not to write the report but it's the ordinance showing the input. How do you define how many times a week a person is checking the watersheds and who's dumping purposely or unknowingly into them and what's going to be done about it?

John said you establish this through the codes a procedure for the Planning Board, the CEO, and identify who pays the fees for him to review the application, etc.

Councilor McConnell asked how the Board expects these fees to be paid. He will contact Mrs. Bertuch of CNY Regional Planning and Development to ask for their recommendations. To address the matter of public education, we could invite someone from there to our next meeting.

John Dunkle said they have received grant money to help us with this. They tell us how to prepare the reports, etc. When we received our critiques, he asked her to review the letter. He thinks it would be helpful for the Board to hear some outside suggestions. He will contact her to come to the next meeting if Councilor McConnell would like him to.

Councilor McConnell said he will call her.

Kevin Gilligan asked if the Board would also like to invite the developers.

Ralph Lamson said Zumpano, Hutton and Cohen are the only ones he knows of.

Councilor McConnell would recommend in the next report that the Town Board take it on their behalf to state the unfunded portions.

Kevin said there are ways to get refunding for the costs.

John said but you would spend more money paying him to document everything than you would get back. His suggestion is that it's not worth the effort.

Kevin asked who gets the money if the town doesn't get it.

John said it goes unspent.

Kevin asked who set up the format to get the reimbursement.

John said CNY Regional Planning.

Kevin thinks the town should send copies of the invoices the town has incurred to CNY Regional Planning requesting reimbursement for these expenses.

John said in the Year 4 Report we don't have much to say. It reports on what we have done the last year. The Year 5 Report will be key. This is where we map everything out and show what we have done this year.

Councilor McConnell said the thing that disappoints him is it's beaurocratic and ill defined at times. His only concern is when the DEC talks about the permit. What does the town really have as a SPDES Permit at the end of year 5?

John said as a municipality that has been designated as a municipality under this program, you have the obligation to govern the discharge in the designated area.

Councilor McConnell said the teeth of the matter is defining the illicit discharge.

Kevin said if the Board has the idea that they only want this to apply to the area within the SPDES MS4 Program, he needs to adjust the laws a little bit.

Councilor Knapp asked if this is something that in a year they may make the whole town do it anyway?

Kevin said they may but this is really an Onondaga Lake Watershed issue. You might want to dip your toe in the water before you go town-wide on this.

Councilor Knapp would recommend doing it just for the area that it needs to be done for now.

Councilor McConnell said they discussed this at a meeting in March and agreed targeting it just for the area that is required at this time.

John thinks the Board should think about whether to make this town-wide or just the involved section. He can see the pros and cons to both of these.

6. COMMUNICATIONS.

A. **Residents. (Please sign in and give your name before you speak).**

- **Sheila Kelly, Route 11A.**

Discussed earlier in the Meeting.

B. **Syracuse Post-Standard, 3.30.07, "The Job Picture: Syracuse area grew more jobs and saw is unemployment fall".**

Supervisor Scammell noted the area's unemployment rate is at 5.1 percent in February.

C. **Primo, Primo & Kirwin: Sky Heights Subdivision, Town of Tully.**

Councilor Knapp asked about this. He noted they are coming over Sky High Road from Tully.

Kevin Gilligan recommended the Town Engineer take a look at this to see if there are any concerns regarding drainage.

Supervisor Scammell said he sent the map to John Langey on this. He noted this is a 15 lot subdivision of a 45 acre parcel. It appears the drainage could come towards LaFayette.

Kevin doesn't think there's anything he will do formally on this so he would recommend John Dunkle call John Langey for the map.

John Dunkle asked if the Board wanted him to review it and notify the Board if he has any concerns.

The Board was in agreement with this.

Supervisor Scammell said he can let him know and he will forward the information on to the Board Members.

- D. **Association of Towns: tax incentives for local volunteers.**
- E. **Onondaga County Legislature: 4.3.07 agenda.**
- F. **Farm Family Casualty Insurance Company: reinstatement and cancellation notices.**
- G. **Onondaga County Supervisors Association: NYS prevailing wage laws and trash districts.**

Councilor Knapp said when they put the current contract out to bid this last time, the state had raised the rates dramatically and said they considered all trash districts municipal work. They were having to pay the trash thrower and driver the same amount. Since then, the rates have been separated between the employees. They are still working the numbers to see about challenging the Department of Labor.

- H. **Central New York Community Foundation: 2007 Grants for Green Spaces Program.**

Councilor McConnell said he will be preparing the grant for Green Spaces for Bailey Park.

- I. **LaFayette Central School District: Level One Sex Offender (John Maloney – zip 13078).**
- J. **Dryden Mutual Insurance Company: insurance cancellation.**
- K. **Onondaga Nation Historic Preservation Office: Smokey Hollow Water District.**

Councilor Knapp asked if there is anything that states what areas can be affected by this.

Supervisor Scammell said SHPO governs this and determines when they think a certain area is sensitive enough to have a study done.

Councilor Knapp asked if we have any recourse.

John Dunkle said it's a difficult area.

Supervisor Scammell asked if he has seen Mr. Gonyea's work.

John said he watches others work.

The Board asked John Dunkle to contact Mr. Heath's Office regarding future billing from Tony Gonyea.

- L. **Onondaga County Department of Information Technology: Wireless access points for CNYLEADS.**
- M. **LaFayette After Prom Coordinator Bobbi Burk: thank you.**
- N. **NYS ORPS: Certificate of School Tax Relief (STAR) exemptions of \$61,370 (enhanced) and \$32,410 (basic).**

O. Onondaga County Planning Board: Tennessee Gas.

P. Other.

7. SPECIAL REPORTS. See 5.

8. REPORTS.

A. DEPARTMENTAL (4th Monday).

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

2) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.

a) Apulia Road – various violations south of Jamesville Reservoir (letter sent).

Ralph said a letter was sent and 2 weeks later the property was cleaned up.

b) Route 11A – junk, propane tanks/odor (attny Young).

Ralph has sent notices to the owner’s of this property and 2880 Route 11A (listed below) and received no responses. He is turning these two matters over to the Town Board as it’s up to their discretion as to whether they want these properties cleaned up and the costs put on the taxbills.

Councilor McConnell thinks the owners have had ample opportunity to respond and now it’s time for the next step.

c) 2386 Route 11A – Home occupation/Business in Agricultural-Residential.

d) 2190 Tully Farms Road – structure needs to be removed.

Ralph said this needs to be taken down. He talked to Greg Hoxie who said the LFD might burn it down. He will talk to Greg again about this.

e) 3081 Webb Road – property cleanup needed, letter sent.

Ralph is attempting to contact the owner. He would like this on hold until the next meeting. He was advised the police had been here and that the floors are in bad shape. He is going to try to stop at the Troopers Barracks to see if he can find out who the officer was. If he can get the information from the officer, we may find out it’s not inhabitable. It may have to be fixed before anyone can live in it.

f) 2880 Route 11A – property cleanup needed, letter sent.

Same as “b” above.

Supervisor Scammell asked who would handle the cleanup.

Ralph said it’s for garbage on the property.

Tom Chartrand said up to \$3,000 it's up to the Board's discretion.

Kevin said you would be well under \$20,000 for this.

Ralph will get Supervisor Scammell a list of what needs to be disposed of so someone can be contacted for an estimate.

Tom said they will need insurance and will be subject to prevailing wage.

Councilor Knapp asked if they came in for a demolition permit for the old hotel.

Ralph said no. He is going to try to contact the owner.

Jim Moore said the LFD is going to use this for burn practice.

Ralph submitted a written report for March.

3) Dog Control: Jim Moore & Doug Scholes.

Jim Moore said everything is running smoothly. He has been to the Barker Hill resident's home 10 times. He is hoping to get a court order that the dogs must be tied up.

Councilor Knapp asked how dangerous the dogs are.

Jim said he was called today by a resident who advised he had a foal killed by one of the dogs last year.

Supervisor Scammell asked how many dogs they have.

Jim said he has 4 huskies. 3 are in compliance and 1 isn't. He has been written a handful of citations.

Jim wanted the Board to know he and his wife have thrown their hats into the ring for the Park Ranger position.

Supervisor Scammell said the Board is working on the list of duties and responsibilities.

Jim said the only question he has, if the Board decides to appoint them, they would like to request a small amount of start-up money for jackets and hats.

4) Highway Superintendent: Leon Cook.

Leon said he thought we got 24" of snow during the last storm. It was heavy. They kept the roads in good shape. Their worst problem was tree limbs. They would fall down behind the trucks. The neighbors helped and called in when they saw one in the road. He got 30 calls after the storm Monday wanting to see if he will pick up limbs that were broken off from the storm. The Highway Dept. is picking them up now and it will probably take them through until Clean-Up Days start.

The Highway Dept. was supposed to take their OSHA class last Monday. Because of the storm, he had to cancel it. They have rescheduled it for May 4th.

The railroad had a mudslide. It was up behind the Blum farm. They are working off Onativia Road by the old creamery. He has been watching them as they have a lot of heavy weight on the road.

Councilor Knapp asked how much came down in the slide.

Leon said it went under the track. The culvert pipe and everything came out. They figure they will need a minimum of 400 ton of gravel to fix it. He was kind of worried about these heavy loads on our road so early in the spring.

Jacqueline McIntosh said she lives on Route 11A off of Mill Road and there was a culvert put in and it appears there's sand filling in the stream. The stream bed actually went dry.

Supervisor Scammell asked where the sand might be coming from.

Leon said it erodes a little bit in the ditch all along the way from where the water comes from.

Councilor Knapp asked where it comes from.

Leon said it just comes along the side of Route 11A.

Jacqueline said she was advised someone bought some property and did some work there and this drains from the back of their property.

Leon will take a drive down to look it over.

Leon received a letter from Onondaga County regarding the snow removal for 2007. It was a Certificate of Appreciation commending those involved in snowplowing and snow removal for 2007.

Jacqueline said she received a letter regarding Mill Rd. A lot of her property runs along that road and she wants to be sure she still has access to get in and out of there.

Kevin said the Graders have sued the Town to basically take the road and the Town is resisting the effort. They are stating it's not a public road and the Town is stating it is and always has been. We are maintaining it's a public road and the Grader's are maintaining it's a private driveway. This will be heard by the Court April 25th at 10:00 a.m.

5) Justice Court: Malcolm Knapp & Maureen Perrin.

6) Library Director: Scott Kushner.

7) Recreation Director: Regina Reinschmidt.

8) Tax Collector: Teresa Mech.

- **Delinquent tax letter follow-up.**

Supervisor Scammell said somewhere along the way a property tax bill for \$1,181.49 in 2005 was submitted by the town to the county so they have been made whole on this. The check bounced and the town is short the \$1,181.49.

Tom Chartrand said the check bounced and got misplaced and was not redeposited. When it was submitted the first time it was noted as paid and was not taken off of being paid when it bounced. We were made whole on

our taxes but the interest and penalties ran short. This was brought to Teresa Mech's attention and she sent several letters.

Supervisor Scammell said Ms. Wershing, who owns the property, wrote to Teresa Mech regarding this matter. She mentions a different amount. She requested an extension stating she was unaware of the matter until our letter. She would request to make \$50/month payments until she starts receiving Social Security in the fall. He asked Karen Carney at the County about this and she advised it's money owed the town and the town can set up whatever payment plan they are comfortable with. He asked the Board if they wanted to agree to \$50/month.

Tom said the amount is \$1181.49. This is what would have been the amount collected. It's not including any interest or penalties.

Councilor Bailey said any charges the bank charged the town should be included in this.

Supervisor Scammell asked the Board if they are in agreement with \$50 payments until August and then a balloon payment will be received for the balance.

Tom asked if the Board wanted interest and penalties back to that time included.

Councilor Bailey asked Tom if he could check with the bank to see if the bank tacked any fees onto the town for this.

Tom said it would be about 4-5 hours to research this if the Board wants him to.

The Board was in agreement to keep it at \$1,181.49 and it agreed to \$50/month payments until August of 2007 and then the Town will be expecting her to pay the balance.

Councilor Knapp asked if there should be some kind of legal agreement for this.

Kevin said in the letter back from her, she should sign she is in agreement with this.

The Board requested Kevin to write the letter for Teresa Mech to send out.

- 9) **Town Clerk: Mary Jo Kelly.**
A written report for March was submitted.
 - 10) **Town Supervisor: Greg Scammell.**
 - a) **Multi-town Shared Services Opportunities (Association of Town Supervisors) – NYS Senator John DeFrancisco.**
 - b) **Business demand survey.**
A written report for March was submitted.
- B. **COMMITTEE (2nd Monday).**
- 1) **Agriculture (Dave Knapp & Mary Jo Kelly).**

- 2) **Communications & Technology (Mike Forte, Pat Keefe Mary Jo Kelly, Marshall Taylor, & Greg Scammell).**
 - **Town Website (functional requirements, transition to Digital Towpath, parallel operations, URL name (now townoflafayette.com, possibly townoflafayette.org or lafayette.ny.us.gov), email addresses, conversion & file transfers.**
- 3) **Economic Development (Bill McConnell & Greg Scammell).**
 - a) **LaFayette Hotel – Thoma Redevelopment Report for LaFayette Hotel. ****
 - b) **Focus 2010.**
 - c) **Hamlet sanitary sewer district.**
 - d) **Hamlet water district.**
 - e) **Grants – Ms. Thau, contract (KG & BM).**
- 4) **Emergency Response (Tom Bailey, Bill McConnell, “Pete” Paul).**
 - a) **Onondaga County Department of Communications - OCICS.**
 - b) **NYS PSC – TSP (Telecommunications Service Priority) (BM).**
 - c) **Pandemic/Avian/Bird Flu.**
 - d) **NIMS training (TB members, etc.).**
 - e) **AED’s & training for town offices, library & Onondaga County Soil & Water.**
 - f) **Pets Evacuation & Transportation Standards Act of 2006.**
- 5) **Employee Policies & Benefits (Mary Jo Kelly, Adrian Shute & Mary Doster).**
 - **NYS Disability Insurance.**
- 6) **Environmental & Conservation Advisory Board (Rainer Brocke, Barb Ferro, Knowlton Foote, Wolff Garritano, Eileen Gilligan & Nancy Mueller).**
- 7) **Highway (“Pete” Paul, Leon Cook, Dave Knapp, Sumner Palmer & John Greeley).**
 - a) **Multimodal/CHIPS funding – in process, via Senator DeFrancisco’s office.**
 - b) **SummerRidge/Lynn Hutton - \$25k maintenance deposit refund request.**
- 8) **Physical Plant (Herb Salladin, Dave Knapp & Bill McConnell).**
 - a) **Heating/Cooling system alts & new temperature controls - RFP, deferred until 2007 (water softener needed?, energy source options(natural gas, heating oil equivalent prices)).**
 - b) **Fire & smoke alarms at Town Offices (1st & 2nd floor) & Community Center. Code requirements (Rick Storrier/DK).**

c) Thermostats (DK).**d) LPL ceiling leak.**

Councilor Knapp noted a new exit light has been installed in the lobby. These types of lights are supposed to last forever. If the Board would like more of these installed, they are \$49 each.

9) Recreation & Youth (Dave Knapp, Adrian Shute, Regina Reinschmidt).**a) Marion Bailey Park.****1. Short term.**

- **New trees & maintenance (stump removal & tree trimming) to existing trees -94%.**
- **Park signs “children playing” - 76%.**
- **Basketball court improvement (new nets, paint backboards, straighten basketball pole, remove old volleyball pole) - 73%.**
- **General maintenance and improvement (more mowing, weed trimming, trash pickup, remove old concrete pad) – 70%.**

2. Long term.

- **Resurface basketball court.**
- **Add fencing (north side) to protect children from ditch & road.**
- **Speed limit reduction to 30 mph.**
- **Traffic flow control (light, sign, 4way stop @ 11A & Rowland).**
- **Parking area from 11A.**

b) LaFayette Beach.**1. Evaluate survey/transfer LaFayette Beach from LCC to town.****2. Roof/cover over sandbox (Herb Salladin). Bids. (DK).****3. Repair/move lacrosse box, lifeguard station repair.****4. Structural repairs – bid (DK).****c) Fred Stafford/Optimists Park.****1. Optimist’s project.****2. Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.**

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

Councilor Knapp said this past weekend was the construction of the new playground equipment at Stafford Park. It went very well. The ground was very wet which slowed them down the first day. It looks really nice. There were kids already on it today.

Councilor Shute said it’s a very impressive structure.

- 10) Safety (Tom Rezsnyak, Adrian Shute, Leon Cook & Regina Reinschmidt).**
 - a) Smoke detector batteries – change at DST/EST time changes (2x/year).**

This has been completed until next time change.
 - b) Community Center & Town Offices 11.08.06 inspection list.**
 - c) NYS Workplace Violence Prevention Law (MT/CCF clarification on number of employees).**
 - d) Snowblower(electric?) evaluation.**
 - e) Light on north exit.**
- 11) School District liaisons (Bill McConnell & Pete Paul).**
- 12) Senior Transportation & Housing (Beverly Oliver & Greg Scammell).**
- 13) Service Awards (Bill McConnell, Dave Knapp, John Harper & Larry Paige).**
- 14) SOTS & OCRRA Liaison (Dave Knapp & Bill McConnell).**
 - District wide mailing – 2007 fuel costs, prevailing wage, etc.
- 15) SPDES (Bill McConnell, Jim Nakas, Steve Beggs, Nancy Mueller, Ralph Lamson, John Dunkle & Kevin Gilligan).**
- 16) Water (Greg Scammell & “Pete” Paul).**
 - 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. Financing method (JD & TC).**
 - Plans & specs.
 - Bid (03.26.07, tentative).
 - Public info meeting (mid-April).
 - c) Hamlet drainage study – request submitted to NYS DOT, intersection of Routes 11 & 20 to be reconstructed in 2009.**
- 17) Zoning Review (Mary Jo Kelly, Ralph Lamson & Greg Scammell).**
 - a) Jamesville Reservoir Preservation District/JRPA change.**

- b) **SOCPA subdivision guidelines to distribute to local subdivision applicants.**
- c) **Digitized zoning map, correction & amendments.**
- d) **Zoning Ordinance update – amendments to subdivision process.**

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

A. Onondaga Nation Land/Land Rights Claim.

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.**
- **File or dismiss.**
- **Appellate Division brief filed (SMY).**

Kevin said May has resisted our motion to take the trailer off. He has asked for a stay. Kevin's office has responded by stating at this late hour he should not be able to do this.

C. Robert Shute – Route 11.

- **Town of DeWitt Court rules in town's favor.**
- **5.16.06 sentencing.**
- **Fine imposition, appeal pending.**

D. Amidon Road – stub access.

Kevin said he wrote a letter advising the Town's position to Mr. Chambers. This has been completed.

E. Grader v. Town of LaFayette.

Kevin said Mill Rd. will be argued on Wednesday.

Councilman Knapp asked how this works.

Kevin said it's argued before the judge who may or may not make a decision then. He believes the judge will write a decision.

Councilman Knapp asked how long it might be before the Board knows.

Kevin said a month.

Councilor's Knapp moved and Bailey seconded the motion for the Board to go into Executive Session to discuss proposed acquisition of real property and to include the Town Engineer and the Town Attorney. Motion passed unanimously.

The Board went into Executive Session at 10:29 p.m. and the Regular Town Board Meeting was called back to order by Supervisor Scammell at 11:56 p.m.

Councilor's Shute moved and Knapp seconded the motion to choose EFC as the preferred funding source for the Northeast LaFayette Water District and Smokey Hollow District pipeline project and authorizes the Supervisor to sign any

and all documents pertinent and authorizing the Supervisor to sign specifically the Certification as to Title to the project site. Motion passed unanimously.

Councilor’s Shute moved and Knapp seconded the motion authorizing Councilor McConnell with the assistance of Counsel to contact David Muraco to investigate the acquisition of both properties at the corner of Route 11 and Route 20 with terms discussed in Executive Session and if successful authorizing Counsel to contact the County Financing Dept. to request the LaFayette Hotel property be pulled form the May auction. Motion passed unanimously.

Councilor’s Bailey moved and Knapp seconded the motion to make the following transfers:

SPECIAL WATER DISTRICT FUND			
To:			
SW8340.4	Transmission & Distribution	Contractual	<u>\$200.00</u>
	TOTAL		<u>\$200.00</u>
			=====
From:			
SW599	Surplus		<u>\$200.00</u>
	TOTAL		<u>\$200.00</u>
			=====

Motion passed unanimously.

Councilor’s McConnell moved and Knapp seconded the motion to make the following transfers:

GENERAL FUND			
To:			
A7110.2	Parks	Equipment	<u>\$3,515.00</u>
	TOTAL		<u>\$3,515.00</u>
			=====
From:			
A1990.4	Contingent	Equipment	<u>\$3,515.00</u>
	TOTAL		<u>\$3,515.00</u>
			=====

Motion passed unanimously.

Tom Chartrand said we are short \$3,515.20 for park equipment.

Councilor Knapp said they were supposed to bill the labor part of this separately but they just listed it as no charge with the lump sum amount. The Optimist Club will give the Town \$20,000 instead of the \$17,000 to include this.

The Zoning Review Committee had submitted recommended amendments for the Zoning Ordinance and Subdivision Regulations. These amendments were sent to the Town Attorney, Zoning Board and Planning Board Chairmen on March 5th for review.

Councilor Shute said the Board determined to hold the Home Occupation off until the next meeting.

Kevin advised he has not had a chance to review the proposed amendments. He recommended proceeding with the subdivision amendments and then propose the Zoning Ordinance amendments at the next meeting.

Councilor's Bailey moved and Knapp seconded the motion to have the Town Attorney draft legislation for the proposed amendments to the subdivision. Motion passed unanimously.

10. UNFINISHED BUSINESS & ACTIVE PROJECTS.

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

Tom Chartrand will write Supervisor Scammell a letter on this.

B. Community Development Grant app.

1) 2006 - Water district & Water District hookups. Accepted, to be administered & distributed by OnCo CD.

Supervisor Scammell said they are working on the hookups. He believes there are 17 applicants for the hookup money. He sent a letter to Collins' and Ruzekowicz's advising they should apply for this if they meet the income limits. He doesn't know if they did or not.

2) 2007 Park Designs (Bailey Park, LaFayette Beach & Stafford Park). Review 2006 apps.

3) Park designs (SU &/or playground equipment manufacturers- Parkitects) – rejected.

- **Bailey Park.**
- **LaFayette Beach.**
- **Stafford Park.**
- **Community Development income survey map (BM).**

C. Onondaga County: proposal for centralization of tax collection –data collection, Lysander PILOT.

D. CNY Community Foundation - Grants for Green Spaces – completed (projects for 2007).

E. Signs – business (four corners – LaFayette Chamber of Commerce), small (redesign?, minor roads), large (install four at 11 N&S and 20 E&W), signs on town properties/local business opportunities during Apple Festival, Winterfest, etc. (AS & DK).

Councilor Knapp said they have been assembled by the Highway Dept. and they should be going up this week.

- F. U.S flags – proper lighting for utility pole mounts (BM, 8.29.06 email).**
- **Purchase LaFayette banners to be flown w.the U.S. flags & arrange in an attractive manner, perhaps flags with banners. Banner design.**
- G. Onondaga County Tax Auction – 5998 Route 20, May 8th, 2007.**
- H. For TB review.**
- 1) **GBoR member: tbd , 01/01/07 – 09/30/08 (replacing John Aiken’s term).**
 - 2) **Zoning Board of Appeals member: tbd, 1/1/07 – 12/31/10 (replaced Al Miller’s term).**

Councilor McConnell suggested 2-3 days a week to be picked randomly to tour the parks so they don’t know when we will be coming and to open the bathrooms at Stafford and the Concession Building from May 1st to October 31st and do a quick inspection of the bathrooms.

Councilor Knapp will write up a list of duties.

Councilor’s McConnell moved and Knapp seconded the motion to approve the purchase of hats and jackets for the Park Rangers not to exceed \$125.00. Motion passed unanimously.

Councilor’s Knapp moved and McConnell seconded the motion to appoint Mr. and Mrs. Moore as Physical Plant Deputies with Jim being the backup at a salary not to exceed \$7.15/hour plus mileage with only one person working at a time. Motion passed unanimously.

11. NEW BUSINESS.

- **Contract renewal with Onondaga County Sheriffs.**

Supervisor Scammell advised our contract with the Onondaga County Sheriff’s Dept. has run out.

Councilor Shute said he would like to use this contract as he almost got hit coming out of Grimshaw after dropping his child off. He would recommend having them there at 8:00 a.m.

Councilor Bailey said he might be able to get the Trooper’s over there.

Councilor’s Knapp moved and Shute seconded the motion authorizing the Supervisor to sign the 2007 contract with the Onondaga County Sheriff’s Dept. for services not to exceed \$2,500. Motion passed unanimously.

- **Temporary Certificates of Occupancy.**

Ralph Lamson said people go to build a house and before it’s finished they must sell their old house. Sometimes people are asking to live in a camper or in the basement of the house until it’s finished.

Councilor Shute asked how temporary it would be.

Ralph said it would be a per case basis. He wouldn’t want it to exceed 3-4 months. He would look into their septic facilities, etc.

Councilor Knapp asked if any of the other towns have this.

Kevin said most towns don't allow people to stay in a trailer or tent, etc.
Councilor's McConnell moved and Knapp seconded the motion to approve granting Temporary Certificate's of Occupancy for up to 90 days. Motion passed unanimously.

12. Suggestions for improvement and positive contributions.

- **Welcome to LaFayette pamphlet – Town Clerk Mary Jo Kelly.**

13. Executive session (if needed). (Held above)

14. Motion to audit & pay bills.

Councilor's Knapp moved and Shute seconded the motion to audit and pay the following bills:

HIGHWAY FUND	#7561 - 7560
GENERAL FUND	#7562 – 7585
TRUST & AGENCY	#7588 – 7594
COMMUNITY DEVELOPMENT & CAPITAL FUND	#7586 – 7587

Motion passed unanimously.

15. Motion to adjourn.

Councilor's Knapp moved and Shute seconded the motion to adjourn. Motion passed unanimously.

The Town Board Meeting adjourned at 12:28 p.m.

Respectfully submitted,

**Mary Jo Kelly
Town Clerk**

Adopted 5/14/07