

Minutes of the Town Board Meeting held by the LaFayette Town Board on July 9, 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  
Thomas Bailey, Councilor  
Adrian Shute, Councilor

Absent: David Knapp, Councilor (Arrived 7:17 pm)  
William McConnell, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Kevin Gilligan, Town Attorney  
Tom Chartrand, Bookkeeper  
John Dunkle, Town Engineer (Arrived 9:10 pm)  
Pete Paul, Dep. Supervisor  
Tom Kellish  
Peter & Pat Zangari  
Austin Olmsted

1. **Supervisor Scammell called the meeting to order at 6:31 p.m.**
2. **The Town Clerk took the Roll. Councilor's Knapp and McConnell absent. All else present.**
3. **Pledge to our U. S. Flag. Town Councilor Adrian Shute.**
4. **Councilor's Bailey moved and Shute seconded the motion to accept prior meeting minutes of June 11, 2007, as submitted by the Town Clerk. Motion passed unanimously.**
5. **PUBLIC HEARINGS. None.**
6. **COMMUNICATIONS.**

**A. Residents.**

Peter and Pat Zangari were present. Pat said they appreciate the Town Board letting them take a couple of minutes to present some information to the Board. They talked to the Board before partly about living in an environmental that was compatible with the countryside. "We are here tonight to request that the town officials enforce the ordinances and town rules that protect taxpayers rights to the quiet enjoyment of their property. Town Ordinances have been promulgated so that the land "as zoned" is not arbitrary manipulated by those who have taken it upon themselves to abuse the system. Unfortunately, as we have experienced in our neighborhood, when some people move into a community, they lie, deceive others, and show no regard for their neighbors. We have contacted the Town of LaFayette

CEO Mr. Lamson in the past and presented our complaints regarding business activity in a non-business zone. We are instructed to take pictures of infractions and present them at a later date.” She had some pictures to submit to the Town Board. “We feel that operating a construction business in a non-business zoned area is not consistent with the character of our neighborhood. The noise, sight, frequent coming and goings, and downward bursts of dust have impeded our rights to the quiet enjoyment of our property. This is a neighborhood, not a work zone. The lack of response manifested by the current administration raises the level of suspicion that the town ordinances do not apply to all property owners. Upon review of past Town Board meeting notes it has been brought to our attention that thousands of dollars of taxpayers money has been spent fighting for a taxpayers complaint about a trailer in Jamesville. The March 07 meeting notes reveal that a Town Board Member commented on how terrible the camper looked and needed to be removed.” She had a picture of the camper on the island and thinks what they view is much more horrific than what the view of this camper on the island is. “There are other trailer issues in the LaFayette area, however, it seems that the CEO had “chosen” to prosecute that Jamesville trailer scenario. A review of CEO policies and procedures reveal that Mr. Lamson does not keep and maintain complete records. If a violation or complaint is issued for operating a business illegally and no record is kept, it seems arbitrary as to what citizen concern is addressed and what concern is overlooked or not acted upon. The lack of record keeping lends itself to the appearance of impropriety in the performance of the CEO duties. The administration fails to act for some citizens but is willing to spend thousands of dollars of taxpayer money for other citizens’ concerns. The inconsistency and unfair application of the town rules and ordinances jeopardize the welfare of the entire LaFayette community. We request that the town officials protect all of LaFayette’s citizens from violators and manipulators by enforcing the codes and rules uniformly as the law requires its elected and appointed paid officials to do.” This is their request of the Town Board tonight.

Supervisor Scammell asked for any questions or comments.

Tom Kellish said Zangari’s indicated thousands of dollars have been spent fighting the issue on the Jamesville Reservoir. Can the Board advise how much tax payers money has been spent regarding the Zangari issue? He asked the Board if any dollars are spent pursuing any other camper or trailer violations in the town.

Supervisor Scammell believes this is the only issue at this time.

Tom Kellish asked if this is a trailer or a camper.

Supervisor Scammell believes Mr. May might want to call it a camper and he thinks Ralph would call it a code violation.

Tom Kellish asked if there are any other code violations regarding campers, trailers, etc.

Supervisor Scammell believes this is the only one..

Tom Kellish believes as a citizen of the community and driving around that there are some trailers or mobile homes that might not be aesthetically good looking as this camper might be.

Supervisor Scammell said Mr. May has appealed this and we are responding to his appeal.

Mary Jo Kelly said some trailers in the town are grandfathered in. They cannot be expanded upon or replaced.

Tom Kellish believes some of the areas around the trailers should be kept up better.

Supervisor Scammell said we do have a Junk Yard Ordinance. AS far as actual tidiness by the resident, it isn't addressed.

Kevin Gilligan said if there are any properties you wish to have the CEO address, you can advise him of them. There are certain revisions under NYS Code that these parcels might be in violation of and there may be some violations under our own Junk Yard Ordinance. Most of these items come to us as a complaint as we don't have the ability to drive up and down the roads every day. There were numerous complaints regarding the trailer issue. The courts have ruled in favor of the town and Mr. May has now appealed this to the court in Rochester. Every step of the way the court has found Mr. May in violation of our codes. He has been told to remove the trailer in numerous courts. We have had other complaints that we have gotten into enforcement proceedings on regarding the surroundings of a property and how it's being maintained.

Pat Zangari said Ralph Lamson went out and made a decision regarding a business. Does he think that some areas are pursued and some not pursued?

Kevin Gilligan is not aware of that. Any time Ralph reviews a complaint, his findings are sent to the court or the complaint is determined to be unfounded.

Mary Jo said when Ralph researched the initial complaint, he was given a Fabius number for the business which he called and an address in Fabius for the business location.

Pat Zangari asked about the property located on Route 11A..

Kevin Gilligan said the legal process is anything but quick. There are different layers that people are entitled to by law. The situation she is talking about now is in the middle of the process. We have been obtaining the burden of proof.

Supervisor Scammell said prior to the last meeting, there were discussion on this. It wasn't that long ago that Ms. Kelly indicated the business was grandfathered in. Ralph researched that and he wrote her a letter stating the grandfathering did not apply to her as it was a different type of business. He asked for any other questions or comments.

Kevin Gilligan said the process here initiates with the Codes Officer. He makes the determination after inspecting the site and reviewing his information. Anything else takes place after that review or determination. An appeal of the CEO's decision may be made to the Zoning Board of Appeals.

Pat Zangari said they are calling the attention to the people who appoint the CEO.

Kevin Gilligan is sure all the information submitted tonight will be turned over to Ralph.

Pete Paul said if someone had a complaint and discusses it with Ralph and the Town Board, does Ralph send a letter to the complainent stating his findings or are they just left wondering if he has reviewed their complaint.

Supervisor Scammell said he would have to ask Ralph this question.

Pete Paul thinks it would be a good idea if the complainent were notified of Ralph's findings.

Tom Kellish asked if Ralph is required to come to Town Board Meetings.

Mary Jo said he was going to try to attend tonight's meeting but didn't have a vehicle at this time.

Supervisor Scammell asked if the Zangari's would like their information submitted to Ralph.

Pat Zangari said yes to give it to Ralph and he can respond to them.

Councilor Bailey noted some of the pictures have times and dates on them. He noted they are not current dates.

Councilor Shute asked if Mr. Carter was doing work on his property.

Pat Zangari said yes.

Councilor Shute said there was a problem with the DEC.

Peter Zangari said yes there was something.

Councilor Shute asked if this is why the equipment is there.

Peter Zangari said no.

Pat Zangari said the trucks go up and down the road and the dust is everywhere. Their pool is constantly dusty from this.

Tom Kellish said he is a neighbor of the Zangari's. He has personally observed the equipment on numerous occasions and has heard the equipment leaving in the morning and arriving back home at night.

Supervisor Scammell asked what they would like Ralph to do.

Pat Zangari said to uphold the laws and keep this as a residential area.

Mary Jo advised the Mr. Carter did state in the Planning Board Minutes that he would not be storing the equipment at his residence.

Supervisor Scammell asked Kevin about this.

Kevin Gilligan said Ralph Lamson will have to make the determination of whether or not he has violated his approval.

Pat Zangari feels it's very clear what is going on and they want to make it clear that the Town Board is responsible for appointing Ralph.

Supervisor Scammell said by law the Zoning Board of Appeals is who they must appeal to.

Tom Kellish asked how long Ralph Lamson's term is for.

Supervisor Scammell said one year.

Tom Kellish asked how long the Zangari's have been having this problem.

Pat Zangari said for 3 years.

Kevin Gilligan said as the time has run out to appeal since Ralph's previous determination, he must make a determination again and then they can appeal this to the Zoning Board of Appeals.

Councilor Shute said the problem is if Ralph Lamson goes down there tonight, the vehicles may not be there.

Kevin believes the pictures can be used in Ralph's decision. The resident is not allowed to use the home as a base of operation. This isn't unique to LaFayette. It's driven by evidence and hopefully their photos will allow Ralph to make his determination. If it's a violation, Ralph can cite them and they will be in front of the town justice.

Supervisor Scammell said as Mary Jo indicated, he does seem to have a phone with a Fabius number for his business.

Pat Zangari said he has sold the property in Fabius.

Kevin Gilligan said you can have rollover numbers in other towns.

Supervisor Scammell said lets assume that Mr. Carter says his base of operation is in Fabius, is Ralph allowed to go look at that property?

Kevin said yes, however, Mr. Carter is not allow to operate his business out of his home too.

Supervisor Scammell said if Ralph looks at the site in Fabius and doesn't see any equipment or anything else there, he could state this to Mr. Carter in his findings.

Kevin said he really doesn't have the authority to go onto the site in Fabius.

Councilor Bailey asked if any additional equipment has been added.

Pat Zangari said no. When they started off there were just a couple of items and now all the equipment seems to be stored there. The pictures seem to be what it looks like 9 months out of the year.

Austin Olmsted said if this continues on for 5-7 more years, is there a methodology where the Board could replace Ralph? He would like to know why Ralph has all this power. Why is this allowed to go on so long?

Supervisor Scammell said the Town Board can disagree with Ralph but cannot make him make a certain decision.

Kevin Gilligan said only the Zoning Board of Appeals can over-rule Ralph's decision.

Austin Olmsted asked if the Town Board has the power to replace Ralph.

Kevin Gilligan said only when his term is up. The CEO and Assessors are set up so they are very difficult to fire. The state realizes that both of these positions are a little controversial on a lot of the things they must do so they offer them a little protection. Ralph Lamson gets as many complaints about enforcing the zoning as he does about not enforcing it. A complaint should be fully investigated and a determination made and the complainents or person in violations should be notified and have the opportunity to appeal Ralph's decision to the Zoning Board of Appeals.

**B. NYS Assembly Minority Leader James Teisco: NYS Property Taxpayer Protection Act (w.Assembly bill8775).**

Councilman Knapp asked if anyone knew anything about this. He asked Kevin Gilligan about the other towns.

Kevin Gilligan said no one has done anything on it yet.

Supervisor Scammell said to him it completely bi-passed the majority of our problems in the State of New York. He does understand what he is saying.

**C. NYS Public Service Commission: summer public awareness program and electricity outlook.**

**D. NYS Unified Court System: 2019-a audit requirements.**

**E. Governor Eliot Spitzer's CNY Regional Representative Daniel Young: "Leaders Agree to Pass Wicks Law Reform Legislation.**

**F. Syracuse Post-Standard, C-1, 06.15.07, "Local Jobless Rate Falls to 6-Year Low of 4%".**

**G. Syracuse Post-Standard, front page, C-1, 06.17.07, "CNY Faces Labor Crunch".**

**H. Onondaga County Board of Elections: HAVA mandates.**

**I. Secure the Call Foundation: old cell phone collection.**

**J. NYS Attorney General Ed Thompson: Community Rights forum.**

**K. Onondaga County Health Department: mosquito-borne diseases.**

**L. Onondaga County Executive Nicholas Pirro: Emergency Communication System legislation.**

**M. Onondaga County Legislature: 07.03.07 agenda.**

**N. Home Aides of CNY: “Neighbors Caring for Neighbors”.**

**O. Selective Insurance: Grader v. Town of LaFayette, 50-h hearing.**

Supervisor Scammell said Selective Insurance has called Mrs. Grader in to discuss this.

Kevin Gilligan said they sued us. We turned it over to our insurance carrier and the attorney for the insurance carrier is having them come in and lay their complaint out. They will be questioned and a determination will be made as to whether or not they have stated a course of action. If they haven't, he thinks the next motion will be a motion to dismiss.

Kevin Gilligan asked the Town Board if they wanted Wendy Reese to sit in on this and might be able to assist the insurance carrier attorney.

Councilor Shute thought this was all taken care of and that the judge said they didn't have a case.

Kevin said they have appealed this.

Supervisor Scammell asked the Board about sending Wendy to the meeting.

Councilor Shute would say no. If it's that cut and dry, it would seem the insurance attorney could handle it.

Councilor Bailey would say yes.

Supervisor Scammell thinks he would side with Councilor Bailey on this one as it's with someone who has taken us to court. He has never seen a 50h Hearing before.

Kevin Gilligan said it's just a routine examination before trial.

Tom Kellish said as a taxpayer, you pay an insurance company to represent you. Your own attorney can't say anything anyway. That is why you have insurance and insurance companies to represent you.

Councilor Knapp arrived.

Councilor Bailey asked if Wendy would be able to object to something.

Kevin Gilligan said no. She would only be there to assist the insurance attorney. The alternative would be to have Wendy call the insurance attorney ahead of time and talk to him over the phone and give him some background on this. She is certainly a resource after the fact if he needs further information.

Councilor Bailey said the insurance attorney is basically representing the insurance company and not the town.

Councilor Knapp asked if there is someone there who would be taking some kind of transcript.

Kevin Gilligan said yes there would be a stenographer and the attorney for the insurance company can provide Wendy with a copy of the transcript when it's over.

Councilor Shute asked if the Town Board could get a copy too.

Councilor Knapp asked if it's an open meeting.

Kevin Gilligan said you can come but you cannot participate. He thinks it would be good if the insurance attorney had some background on this before having this meeting.

Councilor Knapp asked what the grounds would be that they would not cover us for this.

Kevin Gilligan said he would rather discuss this in Executive Session if the Board wishes to discuss it.

Supervisor Scammell would think if Mr. Flynn had some questions on the history of the case then he should talk to Wendy.

Councilor Shute said he hasn't indicated any questions.

Kevin Gilligan said this case is based on statutes, investigations, and determinations the Town Board made. It's not just a cut-and-dry negligence action.

Mary Jo asked if the Board wanted her to send Mr. Flynn the court determinations on this and other background information.

Supervisor Scammell said Mr. Flynn will still need to have a contact if he has any questions.

Councilor Shute said Wendy can't do or say anything at the hearing.

Supervisor Scammell said if he doesn't have anyone to talk to if he has questions, it becomes a problem.

Councilor Knapp said a phone call would be worth it as it could save us thousands if the insurance company decided not to cover us on this. If Mr. Flynn needs information, he would recommend he be able to contact Wendy Reese and if not, he doesn't have to. He would recommend the call not exceed one hour.

It was noted if Mr. Flynn doesn't call with questions which need to be directed to Wendy, it's not an issue.

Tom Kellish said he doesn't understand why the insurance company doesn't cover this. Under your auto insurance policy even if you lose the case, you still have a certain amount of coverage towards it.

Kevin Gilligan said that is not determined yet.

Councilor Knapp said it sounds like that is the purpose of this hearing. He was a little confused about this too. If they decide not to cover us, he thinks we need to look at the coverage to see what we are covered for. He asked what there is to compel Mrs. Grader to come.

Kevin Gilligan said if she doesn't come, they will immediately file a motion to dismiss based on failure to appear.

**P. Central NY Bluegrass Association: Public Assembly Permit application.**

Supervisor Scammell noted there is no notarized signed statement giving the applicant permission to use the property as indicated on the application.

Councilor Knapp will get this from the Apple Festival Committee.

Kevin Gilligan said they have not named the town as an Additional Insured on the Insurance Policy.

Mary Jo will let them know about this.

Councilor Knapp said he thinks we have had yet to receive a complaint regarding the music or the conduct of the folks attending this. He asked Mary Jo if she had receive any.

Mary Jo said she has only received positive comments on this event.

**Councilor's Shute moved and Knapp seconded the motion to approve the Public Assembly Permit for the Blue Grass Festival to be held August 2<sup>nd</sup> through the 4<sup>th</sup> at the Apple Festival Grounds. Motion passed unanimously.**

**Q. NYS Department of Agriculture & Markets: RFP for Farmland Protection Implementation Projects.**

**R. NYS Unified Court System, Fifth Judicial District: proposed resolution.**

Councilor Knapp said we are the 9<sup>th</sup> busiest court in Onondaga County. The prospect of making district courts which would take the local court system out of our control as well as make people from LaFayette who get tickets have to go somewhere he thinks would be a real travesty. He would support some type of resolution supporting what they are trying to do here. He thinks it's important to mix the attorney judges and lay judges. He thinks it gives it a nice mix. If you have district courts, there would be no more lay judges.

**Councilor Knapp moved and Councilor Shute seconded the following resolution:**

**At the regular meeting of the town of LaFayette, New York held on June 9, 2007 the following Resolution was adopted by the Town Board of the Town of LaFayette.**

**WHEREAS, there has recently been negative press coverage by the New York Times and some local newspapers within Onondaga County suggesting that the Town court system is flawed and more specifically, alleging that the three (300) hundred year tradition of non-lawyer judges presiding over and within the local municipalities should be eliminated, and**

**WHEREAS, there has always been a Town Court within the Town of LaFayette, conveniently located and accessible to our citizens, and**

**WHEREAS, there are two (2) Town Judgeships established within the Town of LaFayette; and**

**WHEREAS, there are presently one (1) non-attorney Town Justice and one (1) attorney Town Justice within the Town of LaFayette; and**

**WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the Town of LaFayette handled many hundreds of cases in the past year; and**

**WHEREAS, the Town Court of the Town of LaFayette in 2006 collected \$321,657 in statutory fines, fees and surcharges on behalf of the State of New York, the County of Onondaga and the Town of LaFayette, to help fund essential public services; and**

**WHEREAS, the Town Board of the Town of LaFayette recognizes and appreciates the professionalism, diligence, intelligence and integrity of both the attorney and non-attorney or lay justices within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and**

**NOW, THEREFORE, be it:**

**RESOLVED, that the members of the Town Board of the Town of LaFayette support the continuation of the three (300) hundred year tradition of both lawyer and non-lawyer or lay justices presiding in the Town Courts, and it is further;**

**RESOLVED, that the members of the Town Board of the Town of LaFayette hereby oppose any requirement that Town Justices be attorneys, and it is further;**

**RESOLVED, that the members of the Town Board of the Town of LaFayette oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of the Town of**

**LaFayette provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all our citizens.**

**Voting on the above Resolution was as follows:**

|                          |                   |               |
|--------------------------|-------------------|---------------|
| <b>Gregory Scammell</b>  | <b>Supervisor</b> | <b>Yes</b>    |
| <b>David Knapp</b>       | <b>Councilor</b>  | <b>Yes</b>    |
| <b>Thomas Bailey</b>     | <b>Councilor</b>  | <b>Yes</b>    |
| <b>William McConnell</b> | <b>Councilor</b>  | <b>Absent</b> |
| <b>Adrian Shute</b>      | <b>Councilor</b>  | <b>Yes</b>    |

**Above Resolution passed unanimously.**

**S. Other.**

7. **SPECIAL REPORTS. None.**

8. **REPORTS (one meeting in June).**

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

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

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

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

- **Springhill Construction grandfathered?**

A copy of a letter sent by Ralph was submitted.

b) **2190 Tully Farms Road – structure needs to be removed/burned.**

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

d) **2880 Route 11A – property cleanup needed, letter sent, contract for cleanup.**

e) **Monthly report - June.**

A written report was submitted.

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

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

- **\$39,171 to be received for '07-08 CHIPS funding – NYS Senator John DeFrancisco.**

- **Transportation Emergency Communications.**

Leon Cook discussed brush being put along the side of the road. They had two driveways on Deer Run that had bad pipes which they have fixed and paved over. They fixed all the washout spots and dips on Colton and Newell Hill Roads. They shimmed about ½ of what needs to be done on Winacre Dr.

A few years ago his son owned a house on the end of Orchard Lane. The road was oiled and stoned 18' wide. They went down and used about 22 ton of blacktop and improved the turn-around. They road has a 50' right-of-way. He went down the next week to check on it and about a foot of dirt was dumped on the fresh blacktop. He called the new developer as he figured that is who did it. He explained to the developer that the

Town has a right-of-way. Everyone pays taxes to the center of the road but they don't own it. The developer agreed to clean off the blacktop.

Mrs. Thousand on West Shore Manor called him. She advised the contractor putting pipe in for the water district didn't have the ditch clean enough and there was runoff even on to the road. He talked to the inspector today who said the ditch was clean enough.

Councilor Knapp asked how they are doing.

Leon Cook said they are doing pretty good.

Councilor Knapp asked how much they will clean up in the area after you cross the railroad track going north?

Leon said they will clean it up a lot. It will look better than it did before. Mrs. Thousand wants a bigger crossover pipe put in on West Shore Manor. That pipe was put in back in the 70's. Maybe when you get a cloudburst for two hours it might not work efficiently but otherwise he thinks it works O.K.

Councilor Knapp asked how big the pipe is.

Leon said 18".

Councilor Knapp said that seems big enough.

Leon said before he replaces it, he is going to have John Dunkle look at it and see what he thinks. If Leon thinks the pipe needs to be replaced, he won't do anything until John Dunkle takes a look at it.

Leon said regarding the FCC wanting to take our frequency after they promised they wouldn't put us in the cold, by 2013 we have to have our side-band radios off the air and we have to go to new radios under narrow band. He started making calls today after talking to a guy from BOCES. Our repeater has to come off the air immediately. We can't get anywhere without our repeater. They are setting up a meeting and the guy from BOCES said LaFayette and Fabius Schools and the Town of LaFayette Highway must attend the meeting. He thinks Councilor Bailey should be in on this meeting too. He is going to try to get the meeting set up for Friday morning. It will be held at the school. There are 3 different options we can go with.

Councilor Knapp said they want to hire someone to set up a repeater that will work for everyone.

Leon said for Fabius and LaFayette School and the LaFayette Highway Dept. We share a repeater now. He thinks the best deal will be with Mike Bush.

Councilor Knapp asked what Tully and Fabius Highway do.

Leon said Otisco and Tully talk back and forth on their radios. He thinks they are already on narrow-band. He is working on getting prices for the radios. He will have some prices for the next meeting. Right now they have 15 radios. If worse comes to worse, they can get by with 10. Ron Bush Oil has cell phones which work as walkie-talkies too. He is going to look into them too.

Councilor Bailey said they pick up signals off a satellite.

Councilor Shute asked if the signals could be clogged up during an emergency.

Leon Cook said this is something we need to think about and look into.

Councilor Bailey said the transmittable radios that are in every school bus, highway vehicle and emergency equipment will be replaced. They are going to be interfaced so you can communicate with various agencies in a time of emergency. This will be state-wide. That is the master plan. He will try to make the meeting on Friday. It would be good to have someone there from the county too.

Councilor Knapp thinks it would be good to be sure the new repeater and radios will work with what they are planning on doing.

Councilor Bailey asked if there is a time-table of when the existing repeater will be turned off.

Leon said yes, immediately. Mike Bush is getting them to hold off a little for us.

Councilor Bailey asked why it's being shut down in the first place.

Leon said he doesn't know. That is why we are having this meeting.

Supervisor Scammell returned to 6H under Communications. He noted they want one of the signs to read "No Parking Anytime".

Councilor Shute thinks they are stating there needs to be an 8' access aisle. He thinks this aisle is to get a wheelchair through.

Pete Paul said this is so if they have a van they can get through with a wheelchair.

Leon Cook said there is only one sign up now for Handicapped Parking but there are 2 spaces.

Councilor Knapp said we need to paint the two spots with the access aisle in between.

Leon said you are going to have to have two more cars parking endways.

Mary Jo asked how they would back out of their spots if the parking lot were full. She suggested putting to Handicapped spots in front of the building. One on the left of the sidewalk and one on the right.

Leon will get with Mary Jo on this.

Supervisor Scammell asked about the blacktop transition.

Leon said he can fill the space in.

Supervisor Scammell said regarding their concerns about the rugs, it might be easier to just remove them.

Mary Jo thinks there is more of a risk of a slippery floor depending on the weather if the rugs are taken up.

Supervisor Scammell said some tape could be put down along the edges of the rugs.

#### **5) Justice Court: Malcolm Knapp & Maureen Perrin.**

- **NYS Unified Court System – 2007 Justice Court Assistance Program.**

Councilor Knapp said he gave the grant application to the Justice Court and they will review it. The

- **Special Commission on the Future of the NYS Courts: public hearings.**

Councilor Knapp said the hearing was held in Ithaca and the response was exactly what we have been talking about which is basically what the resolution we made states. Both of the above items can be removed from the agenda. He would recommend putting item 6D under Communications regarding the Uniform Justice Court Act on for the next meeting. We are doing the internal audit anyway so it shouldn't be a problem.

#### **6) Library Director: Scott Kushner.**

Library Board Minutes and Director Report for May were submitted.

Councilor Knapp noted they got a grant.

Supervisor Scammell said for \$5,000.

#### **7) Recreation Director: Regina Reinschmidt.**

- **Monthly report – April.**

**8) Tax Collector: Teresa Mech.****9) Town Clerk: Mary Jo Kelly.**

- **Monthly report – June.**

A written report was submitted.

**10) Town Supervisor: Greg Scammell.**

- a) **Business demand survey.**

- b) **Delinquent tax collection letter.**

Councilor Knapp asked for a update on this.

Supervisor Scammell said Mrs. Wirthing made her first payment and we have not heard from her since. He has sent a letter to the Tax Collector hoping she will take up the collection of this.

- c) **Sky Heights subdivision - Tully.**

Supervisor Scammell said the attorney was sick and the public hearing will be rescheduled.

- d) **Monthly (draft) report – June.**

A Draft Report was submitted.

**B. COMMITTEE (2<sup>nd</sup> 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/Amidon Building – 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).**

- f) **Thoma/Comprehensive Plan proposal.**

**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.**

Councilor Knapp asked about the AED’s.

Councilor Bailey said it’s still pending.

Councilor Knapp asked if Community Council has one.

Councilor Shute doesn't think so.

**f) Pets Evacuation & Transportation Standards Act of 2006.**

**g) NIMS workshop.**

Councilor Bailey said he attended the Workshop last week presented by Mr. Alberti. It's more like a continuing ed thing from year to year. He said this can be removed from the agenda.

**h) NIMS contact information (05.07.07 letter)**

- **Local resolution similar to county's needed?**

Councilor Bailey has a sample resolution he will be putting together to be submitted to the county stating the Town of LaFayette is on Board with this.

- **Jurisdiction contact sheet**
- **CNY Business Journal – “Legal, HR considerations before a pandemic flu strikes.**

**5) Employee Policies & Benefits (Mary Jo Kelly, Adrian Shute & Mary Doster).**

- **NYS Deferred Employee Compensation Plan (evaluate).**

**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).**

**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 (1<sup>st</sup> & 2<sup>nd</sup> floor) & Community Center. Code requirements (Rick Storrier/DK).**
- c) **Town offices - thermostats (DK).**

Councilor Knapp is looking into these and the siding as well as an outside spigot for the Library.

**d) Town offices - Loose clapboards.**

**e) Community Center – fencing repair needed.**

Mary Jo thinks Herb Salladin has been working on this.

**f) Outside spigot for LPL garden area.**

**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).**
- 3. Benches (Optimist Club).**

Councilor Knapp said Upstate Lacrosse Association is going hot and heavy and all our boys and girls seem to be doing very well. Basketball Camp started this week. It is being run through the school.

**10) Safety (Tom Rezsnyak, Adrian Shute, Leon Cook & Regina Reinschmidt).**

- a) Smoke detector batteries – change at DST/EST time changes (2x/year).**
- b) Community Center & Town Offices 11.08.06 inspection list.**

Councilor Shute said Tom Rezsnyak submitted a new list of things he found during his last inspection which replaces this list.

**c) NYS Workplace Violence Prevention Law.**

Councilor Knapp said the state is working on a boiler plate for us to post. Tom Rezsnyak is getting some DVD's for people to watch.

- d) Snowblower (electric?) evaluation.**
- e) Light(emergency) on north exit.**

**11) School District liaisons (Bill McConnell & Pete Paul).**

Councilor Knapp said the LaFayette School District had its Organizational Meeting last night and elected Jim Keefe as President of the School Board and Mary Adam was re-elected as Vice President.

**12) Senior Transportation & Housing (Beverly Oliver & Greg Scammell).**

**13) Service Awards (Bill McConnell, Dave Knapp, John Harper & Larry Paige).**

- LOSAP proposal.
- Tax rate query.

**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).**

- (3) Local laws.
- Town-wide vs. specific area.

Supervisor Scammell said we will return to this item on the agenda when John Dunkle arrives.

**16) Water (Greg Scammell & “Pete” Paul).**

**a) Northeast LaFayette Water and Smokey Hollow Service Improvement districts.**

- Public info meeting (early May).
- Letter to VESyr, affirming H2O cutoff date (completed).
- Financing Plan (September).
- Construction underway.

Supervisor Scammell said he can't believe how fast they are moving. He thinks folks seem to be pretty happy.

**b) 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 – awaiting SOCPA review.
- e) SOCPA feedback.

The town has heard back from SOCPA. Mary Jo said the Committee did meet earlier today. Kevin Gilligan and the Zoning Review Committee addressed the issues with the following comments:

**ISSUE 1:**

Curb cut. The Zoning Committee's proposal for simple subdivision permits two new building lots during a consecutive five year period provided that such action does not involve the creation of new streets, curb cuts or municipal infrastructure. County points out that all new lots, so created, would front on public streets/roads (unless they were landlocked). As neither the Town nor County permit the creation of landlocked parcels, reference to curb cuts appears unneeded.

**KEVIN RESPONSE:**

I am not sure where the Zoning Committee came up with the curb cut restriction or its reason for doing so. I suggest that we amend our proposed law to drop this restriction. That should satisfy item one. Curb cuts will be one of many considerations to be administered by the Codes Officer in the simple subdivision process. I suggest that he require proof of the curb cut (County, State, Town) before approving the simple subdivision.

**ZONING REVIEW COM.**

Committee agrees to drop reference to curb cuts.

**ISSUE 2:**

Administration – Map Notes. County Planning has recommended that, should the Town adopt the simple subdivision procedure, we must put a system in place to keep track of such lots so as to prevent subsequent subdivisions of affected lots within the 5-year period. They also suggest that we require restrictive language on any approved map, including a specific date defining the end of the 5-year period.

**KEVIN RESPONSE:**

Ralph will have to come up with an internal office procedure to prevent repeat subdivision within the 5-year period. Also, we should agree to include (in addition to Ralph's procedure) a requirement that any subdivision map which is approved under the simple subdivision process include a statement (on the map) that no further subdivision of these parcels is permitted until (date) unless approved by the Town of LaFayette Planning Board through standard subdivision procedures.

**ZONING REVIEW COM.**

The Committee submitted a document to Kevin and the Town Board showing how the simple subdivisions will be tracked. Committee agrees to have note put on map, however, note may also read "One more simple subdivision of this parcel may be permitted by (date)," as two are permitted within a 5-year period.

**ISSUE 3:**

Definitions. County Planning wants us to include new definitions for "municipal infrastructure" and "curb cut".

**KEVIN RESPONSE:**

We should do so. Any suggestions from the Zoning Committee: If not, our office could design them.

**ZONING REVIEW COM.**

Proposes: "municipal infrastructure" - any subdivision requiring new roads, drainage or water districts.

"curb cut" – being deleted.

**ISSUE 4:**

Referrals to Town Planning Board. County Planning wants us to amend the proposal to specify circumstances in which the CEO must refer a simple subdivision application to the full Planning Board. These would include:

- (1) When County Planning recommends modifications or disapproval of a simple subdivision.
- (2) When neighbors request a full Planning Board review.
- (3) When a County/State Agency or government office requests/requires modification of a subdivision.

**KEVIN RESPONSE:**

I recommend that we agree to these changes.

**ZONING REVIEW COM.**

Proposes:

- (1) When County Planning recommends modifications, CEO can be sure they are completed prior to approval. When disapproval is recommended from County Planning, application will be referred to the Planning Board for review.
- (2) A form was submitted to the Town Board to be used when correspondence is received from a neighboring property. This form refers the correspondence to the Planning Board with the application for their determination on whether neighbor has valid concern and if they need to review the application.
- (3) Whenever a County or State Agency has concerns/requests modifications, the application can be referred to the Planning Board for their input or review by the CEO

**ISSUE 5a:**

Notice to Neighbors. County recommends 500' instead of the 300' contained in our proposal.

**KEVIN RESPONSE:**

Up to the Board. If we resist the change, we must state the reasons and basis therefore.

**ZONING REVIEW COM.**

The Subdivision Regulations have always stated 300' but the Secretary already sends out to all neighbors within 500' so it is recommended this be changed to 500'.

**ISSUE 5b:**

Notice Requirements. County says we must include a procedure of notice, including publication. County also wants a response procedure to persons submitting comments, including confirmation of receipt and reaction to comments decision and the basis for such decisions. The procedure should also require a public hearing before the Planning board, if requested by neighbor.

**KEVIN RESPONSE:**

It might just be easier to continue our current process? If we wish to proceed with the simple subdivision process, the CEO will have to be responsive and act appropriately when there is any resistance to an application. I would suggest that a notice form be designed that would be sent to all neighboring property owners within 500' and published in the Post Standard. Those who wish to respond would be given a specified date by which written comment must be received by the CEO. If written challenges are received, the CEO should refer the application to the Planning Board for standard treatment, including a public hearing, with special notice to anyone who submitted a challenge. That will probably cost the applicant an extra 60 days. Notice to neighbors would be based on the latest tax assessment records of the Town.

**ZONING REVIEW COM.**

The Committee believes the above has been addressed by the form prepared which would refer any communication received by residents, county or state agencies to the Planning Board for their input. In original amendment proposal notification is already addressed as it is stated "The Town Clerk shall send a notice to all property

owners within 300' (changing to 500') of the proposed simple subdivision advising the application is on file in the Town Offices and any questions or comments may be sent in writing to the Code Enforcement Officer within the date advised on the notice which shall be 30 days from its mailing date. Recommend adding that publication will also be sent to Post Standard and Pennywise and that any correspondence received will be replied to by the Code Enforcement Officer.

**ISSUE 6:**

Change to Plan. The county wants us to devise a plan to handle when simple subdivisions are changed as a result of input from other agencies or neighbors. Re notice?

**KEVIN RESPONSE:**

Probably a good point. The CEO may want to bail out whenever a change is incorporated and simply refer the application to the Town Planning Board for further treatment in accordance with standard procedures.

**ZONING REVIEW COM.:**

Currently applications before Planning Board are not renoticed if a modification is recommended and incorporated into approval by the Board. It has already been determined any correspondence from outside agencies or neighbors will be referred to the Planning Board for their input.

**ISSUE 7:**

Who Will Sign Approved Plans? The county says our local law should be changed to specify who will sign approved subdivision plans on behalf of the Town. It is their experience that the County Clerk's Office will only accept the Planning Board Chairman's signature. If so, the plat cannot be filed unless Mr. Nakas signs the plat. The county people correctly point out that Mr. Nakas might not be comfortable signing a plat that has not been reviewed by the Town Planning Board. Failure to file the plan with the County Clerk, as required by State law, renders the approval void.

**KEVIN RESPONSE:**

This will require additional investigation and research. Perhaps the Planning Board Chairman will be willing to sign the plan, in consultation with the CEO.

**ZONING REVIEW COM.**

Upon speaking with the County Clerk's Office we were advised they require a signature from the authorized person of the Town. We were advised they would accept the Code Enforcement Officer's signature.

**ISSUE 8a:**

SEQR. The County advises that a SEQR review procedure must be established and followed by the CEO, including identification and notification of involved/interested parties, lead agency notifications and establishment and SEQR determinations/findings and appropriate notice of same (6 NYCRR Section 617). The County indicates correctly that the Town must follow all SEQR and General Municipal Law referrals and that there should be an oversight mechanism to assure proper compliance.

**KEVIN RESPONSE:**

These are legitimate concerns. If our office assists with the oversight function, developer fees would ensue thereby defeating one of the perceived purposes of the simple subdivision process. Failure to follow the law could result in a host of illegal or voidable

actions. The CEO will have to become very familiar with the environmental review process (SEQR) and know when County Planning referrals are required.

**ZONING REVIEW COM.**

Proposes including in amendment that SEQR must be completed by CEO and determination made. Sample of determination could be “The CEO appoints the Town of LaFayette as Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and preliminary and final plat approval are granted.” We agree the CEO will have to become more familiar with referral requirements and SEQR.

**ISSUE 8b:**

Appeals – Simple Subdivision. The county correctly points out that normal appeals of CEO actions are to the ZBA (not the Planning Board). It questions whether it is appropriate to involve another board, in subdivision review, one that is wholly unfamiliar with the process.

**KEVIN RESPONSE:**

I suggest that we amend the proposed law to clearly indicate that appeal of the simple subdivision process must be commenced within thirty (30) days by application to the Town Planning Board. This could result in processing delays longer than the current procedure.

**ZONING REVIEW COM.**

The Committee believes many times the CEO and Planning Board work very closely and the CEO often refers residents to the Planning Board either to obtain subdivision, resubdivision, or controlled site approval. The Committee does not believe there is an issue with the CEO’s decision regarding the possible appeal of an approval/denial being heard before the Planning Board. The Committee agrees language should be added stating appeal must commence within 30 days of the CEO’s determination by application to the Planning Board.

The Committee would also like to recommend the filing fee for a simple subdivision would be \$100. This would cover the cost of publishing notice in papers and sending notices to neighboring property owners.

Supervisor Scammell asked if the Board was ready to act on this.

Councilor Shute thinks the fixes proposed satisfy what County Planning recommends.

Councilor Knapp would like to review the material more.

**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.
- Order and judgment favoring town.
- May appeal.

**C. Grader v. Town of LaFayette.**

- Decision favoring town.

- **Grader appeal.**

#### **D. Nonconforming Uses.**

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

#### **A. Crime coverage – review of town books - complete (TC).**

Supervisor Scammell said this has been completed.

Councilor Knapp asked if we had to do this as a requirement of the coverage or to get coverage.

Supervisor Scammell said Tom Chartrand would probably be able to answer this.

#### **B. Community Development Grant app.**

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

Councilman Knapp said part of the problem with the Beach is that the whole zone is in the grant authorized area for low income yet the Beach itself is surrounded by Summer Ridge which tends to make it look not quite so low income. They asked if we could do an income survey with kids that use the Beach.

Mary Jo will get together with Beverly Oliver and can type up some surveys to leave with the lifeguards at the Beach.

Councilor Shute thinks this could be done just with Beverly's group.

Councilor Knapp will get together with Mary Jo on this.

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

John Dunkle arrived 9:10 p.m. so the Board returned to SPDES and the water district. John said he has received two complaints from residents. He would like the Board to do some authorizations. On July 27<sup>th</sup> we will be closing on the EFC Loan. That is where we will take our first bunch of money to pay the contractor. He would like to have two of their invoices approved prior to this date. One invoice is for \$39,000.

Tom Chartrand said we will just write this check out of the Capital Fund and will be refunded this amount at the end of the month. This will be included with the bill for ½ a million.

Kevin Gilligan asked John Dunkle about Tony Gonyea's payment.

Councilor Knapp said there is an invoice before the Board in the amount of \$1,485.

**Councilor's Knapp moved and Bailey seconded the motion to authorize payment to LeFleur as contractor for the water district not to exceed \$543,300 upon final approval of the Town Engineer. Motion passed unanimously.**

John Dunkle said he doesn't have his invoices together yet. Kevin has submitted his.

Tom Chartrand said he has accumulated bills totaling \$10,895 for John Dunkle and \$7,343 for Kevin Gilligan.

John believes there are invoices in tonight's pile. They would like these bills submitted July 27.

It was determined these bills will be signed and authorized by the Board and will be submitted for payment when the loan closes.

John would like Tony Gonyea paid in full before he calls him to request his report.

Tom Chartrand asked if he wants his check mailed to him or will he be picking it up?

John Dunkle said he will call and advised the check is at the Town Offices.

Councilor Knapp asked when the check would be available.

Tom Chartrand said he will have it to the Town Offices by tomorrow night for the Supervisor to sign.

Councilor Knapp said to tell Mr. Gonyea it will be available by Wednesday afternoon.

John Dunkle said it looks like he and Kevin Gilligan have gone over their budgets. He will be asking to amend his engineering fees in the budget.

Tom Chartrand asked if they have found any way to fund the interest on the BAN. EFC said they would not pay the interest on the bond anticipation note.

John Dunkle said we need to check with the other two funding sources to see if they will.

Tom Chartrand thinks it was about \$8,000. EFC will not allow us to use their money for this.

John Dunkle will check with EPA and Community Development to see if there funding can be used for this.

Councilor Knapp confirmed they are on schedule.

John Dunkle said they are slightly ahead of schedule and hopefully it will stay that way.

Councilor Shute said if this bill is for stuff they have used and it totals \$543,000, their original contract was for about 1 million and they are about 1/3 done, doesn't that mean we will be paying 3 times this amount?

John Dunkle said this includes the cost of all the material plus 1/3 of the waterline work. The contractor wanted to secure the price of materials and got them all at once.

Councilor Knapp noted interest on the BAN is \$7,283.

The Board discussed the report Nancy Mueller submitted regarding SPDES.

John Dunkle said there are two parts to these ordinances. One is for construction projects and the other is about illicit discharge which is a monitoring program which they think should be confined to the MS4 area. For the SPDES program, he would recommend making it town-wide. We are doing this on almost everything already. He doesn't see this as an additional burden.

Kevin Gilligan said the biggest impact he thinks people will experience with this is in the area that they will have to come up with plans, submit them and come up with the cost to review them. As we have received complaints about developer fees in the past, you will probably be wrestling with that issue more. He thinks there will be more cases where they are referred to the engineer than in the past.

John Dunkle said a simple two-lot subdivision can be done by Ralph Lamson.

Councilor Knapp said if it disturbs under an acre of land.

John Dunkle said or it is a single family home as they are exempt.

Councilor Shute said we are already doing them anyway. Aside from the belief that this is a bad idea that has gone off on its own life, there has to be something good that comes out of it.

Councilor Knapp totally agrees.

Councilor Shute said something could come out of this that is totally unforeseen. He has never been worried about developers incurring a cost but rather the single family residence or someone who wants to give a lot to his/her children.

John Dunkle said the law is mandated. The applicant will have to go to either the town or the DEC. We are not requiring any more work from anyone.

Councilor Knapp said we can protect the resident a little from the bureaucracy of state agencies. We know the terrain and town better than they would at the state level.

John Dunkle said the applicant will not have to do anything that they won't have to right now.

Councilor Shute said if they do it through the DEC, they come out and review it and if they do it through the town they have to pay for the review.

Councilor Knapp said you would have to pay the DEC too.

Mary Jo said Nancy Mueller advised Soil and Water contracts on a yearly basis with some municipalities to review these. She suggested checking next door to see if they do this.

Councilor Shute asked if the DEC has to review our review.

John Dunkle said no they don't. They monitor us through our annual reports.

Tom Chartrand asked how much manpower we need to monitor these activities.

John Dunkle said there's a responsibility that anyone who falls under this must hire someone to do the monitoring. At the town we monitor these reports once a month to be sure everything is O.K.

Tom Chartrand asked if it will be a flat fee schedule, sliding schedule or hourly schedule.

John Dunkle thinks this should be discussed when the ordinance is adopted.

Councilor Shute asked about the fees.

John Dunkle said there will be fees for major subdivisions. The developer pays fees now to review the plans.

Councilor Shute asked if it will just be the major subdivisions. He doesn't see where it's differentiated between the single family dwelling disturbing an acre of land or a major subdivision.

John Dunkle said in the state laws it differentiates the different uses or disturbances and the requirements. All we are doing is overseeing what is already there.

Councilor Bailey said in 3-5 years they could rezone the map all over again.

John Dunkle said that is what's so arbitrary. No development has occurred within the zone now.

Councilor Knapp doesn't have a problem with Local Law D-2007 being town-wide.

Councilor Shute said he does. The problem is that this whole thing is still from a faulty basis.

Councilor Knapp said his point is having experience with the DEC first-hand, he would rather keep it local.

This matter will be tabled until the next meeting.

John Dunkle said the Board might want to think about the Regional Planning Board’s proposal to take over some of the work for the reporting. For \$5,000/year, they will take care of the first two measurements. There is a meeting on July 18<sup>th</sup> that he would encourage Supervisor Scammell and Councilor McConnell to attend where they are going to sell this to the municipalities.

Mary Jo said Nancy Mueller has been bringing a lot of educational material to the office for distribution to the public.

John Dunkle said if the Regional Planning Board starts doing reports for 25-30 municipalities and we are out there by ourselves and the DEC is accepting everything they do, it might be something to think about. He doesn’t enjoy doing any of this.

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

**E. Town Landfill – vehicle extraction practice site (LFD research w.NYS DEC).**

**F. Remove older town signs (AS).**

Councilor Shute is working on this.

**G. 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).**

**11. NEW BUSINESS.**

- **Other.**

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

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

**14. Councilor’s Knapp moved and Shute seconded the motion to audit & pay the following bills:**

|   |                   |
|---|-------------------|
| <b>HIGHWAY FUND</b>                             | <b>#7941-7952</b> |
| <b>GENERAL FUND</b>                             | <b>#7953-8004</b> |
| <b>SPECIAL DISTRICT FUND</b>                    | <b># 8055</b>     |
| <b>TRUST &amp; AGENCY FUND</b>                  | <b>#8006-8012</b> |
| <b>COMMUNITY DEVELOPMENT &amp; CAPITAL FUND</b> | <b>#8013-8015</b> |

**Motion passed unanimously.**

**15. Councilor's Knapp moved and Bailey seconded the motion to adjourn. Motion passed unanimously.**

The Town Board Meeting adjourned at 9:52 p.m.

Respectfully submitted,

Mary Jo Kelly, Town Clerk