

Minutes of the Town Board Meeting held by the LaFayette Town Board on September 24, 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  
David Knapp, Councilor  
William McConnell, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Tom Chartrand, Bookkeeper  
Ralph Lamson, CEO  
Leon Cook, Highway Superintendent  
Mr. & Mrs. Johnson  
Kevin Gilligan, Town Attorney  
Bruce Donohue

1. Supervisor Scammell called the Meeting to order at 6:35 p.m.
2. The Town Clerk Took the Roll. All present.
3. Pledge to our U. S. Flag led by Town Councilor Bill McConnell.
4. **Councilor's McConnell moved and Bailey seconded the motion to accept the September 13, 2007 Regular Town Board Meeting Minutes and Public Hearing Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **PUBLIC HEARINGS.** None.
6. **COMMUNICATIONS.**
  - A. **Residents.** (Please sign in and give your name before you speak).
    - Bruce Donohue, Vice-President & Treasurer, Route 20 Crossroads Corporation: rezoning request.

Ken Johnson was present. He lives on North Road. He has been self-employed all of his life at his residence. He has dumpsters for construction debris. He's been keeping the dumpsters on site where he lives when they are not being used on a job. He wants to be able to store his equipment for his business at his home. He has owns about 100 acres. He isn't asking to run a business out of his house. He is asking if he can put his equipment behind his barn where it isn't visible from the road. He would be more than happy to put trees in to hide the dumpsters from the view of folks on Meeker Hill. Does he have to do anything to store equipment on his property?

Supervisor Scammell said Ralph Lamson would be the one to give advice on this.

Ken said Ralph sent him a letter stating that by having the dumpsters there he is running a business from his home and as the area is zoned Agricultural/Residential, he is not allowed to run a business from this location.

Councilor Knapp asked if people from Meeker Hill could see the property.

Ken doesn't think so. He is 99% sure his neighbors don't have problem with this.

Kevin Gilligan asked what the C.E.O.'s decision was.

Ken said the letter said he was in violation of the Zoning Ordinance and is not allowed to run a business from this property.

Kevin would guess Ralph Lamson is stating the dumpsters are not residential.

Councilor Bailey said it became noticeable when the dumpsters were near the road. Ken is looking to remedy this by putting the containers behind the barn. He would be willing to put in landscaping to conceal the containers.

Mary Jo said she thinks this came to light because a dumpster was by the road with a sign saying if people wanted to rent a dumpster to call his number.

Ken would consider running a business as people coming to you to buy something he had. No one comes to his property. He brings dumpsters there in between jobs.

Kevin said Ralph has determined that he is running a business and the Town Board doesn't have the power to overturn Ralph's decision. He can appeal Ralph's decision to the Zoning Board of Appeals.

Ken said he did talk to Ralph and Ralph advised him he was in violation of the zoning and suggested he go in front of the Zoning Board of Appeals to see what he can do or to go to the Town Board to ask for a zone change for part of his property to Business.

Councilor McConnell asked if he still operates his farm.

Ken said it's limited.

Councilor Shute believes the Board should hear from Ralph on this before making a decision.

Councilor Bailey asked the address of the property.

Ken said 1898 North Road.

Mary Jo said one question the Zoning Board of Appeals will ask is if he rents the dumpsters out.

Ken said absolutely. He named a number of businesses operating between his property and the Hamlet.

Mrs. Johnson asked why they are being treated differently.

Ken said maybe the zoning should be looked at from the Hamlet to his house.

Supervisor Scammell said the Board will talk to Ralph about this. Ken can appeal his decision to the Zoning Board of Appeals or can ask for a zone change.

Discussion took place regarding which parcel of land Ken should request a zone change for.

Supervisor Scammell asked if dumpsters would be allowed in a Business District.

Kevin said Ken should meet with Ralph and fill out the application for the Town Board requesting a zone change to a zone where this would be allowed if that is what he wants to do.

Councilor Bailey asked how much road frontage he has.

Ken said about 300' on the 17 acre parcel.

Supervisor Scammell asked the Board for their input regarding a zone change.

The Board wanted to talk to Ralph about this first.

Supervisor Scammell said Bruce Donohue sent a letter to the Board requesting his property on Route 20 be taken out of the Hamlet District and rezoned Business.

The Board will review the Zoning Ordinance regarding this request.

- Other.

**B. LaFayette Volunteer Fire Department: contract renewal notice.**

**C. Onondaga County Department of Finance: tax delinquent parcel list.**

**D. Onondaga County Planning Board: SPDES – zoning ordinance update.**

**E. Jamesville Fire Department, Board of Fire Commissioners: contract renewal notice.**

**F. Williamson Law Book Company: software support contract increase.**

**G. Onondaga County Department of Health: Northeast LaFayette Water District stipulation agreement.**

**H. CNY RPDB: Regional Phase II Stormwater Compliance Program.**

**I. CNY RPDB: LUCA tasks.**

Tom Chartrand said what they expect to do is pretty intense. They will send out a data base and you will have to go through and find what ones you have that don't match they have and advise them of the needed changes.

Councilor Shute said the insurance companies have been doing this kind of thing for years.

Tom said the only thing the census helps us with is the Community Development Grants.

**J. NYS Assessors Bulletin: “ORPS publishes one-sided information.”**

Councilor Knapp asked if they are talking about going to a county based system.

Supervisor Scammell believes that is what they are talking about.

Councilor Knapp hadn't heard about any movement like this.

Supervisor Scammell said there is a move towards consolidation of services out of the governor's office.

**K. Alliance Bank: banking proposal.**

**L. HSBC: banking proposal.**

**M. NYS DMV (LFD): government/official plates.**

The LaFayette Fire Dept. asked the Town Board if it would have Kevin Gilligan review this. They currently have government license plates and this letter is indicating they can't have them.

Kevin said this doesn't require any research. They are being told they no longer qualify for government license plates. They should contact the DMV to find out why. Just contracting with the Town of LaFayette does not make them a government entity.

**N. U.S. Senator Charles Schumer: EPA grants for Brownfields Assessment & Cleanup Cooperative Agreements Program.**

**O. Onondaga County Department of Emergency Management: ICS 300 training.**

**P. Onondaga County Planning Board:**

**Q. Other.**

Bruce Donohue arrived. He would like the Board to consider rezoning his property from Hamlet to Business. He thinks the structure of the Hamlet zoning has impeded the development of this property. He would like the Board to consider rolling it back to the Business Zone that it was in 1999. He would like the process of going to the ZBA done away with. He thinks the ZBA should handle appeals which is the nature of what that Board is designed to do. He thinks there's more potential of abuse in the law with the ZBA. He thinks when people know they have to go through that process rather than to the Planning Board, it's a drawback. He thinks what is allowed in the Hamlet hinders this. He thinks this particular parcel would be ideal to create a town center.

Kevin Gilligan said a survey would be helpful.

Councilor McConnell said for what he is considering, he doesn't think we need to be that specific.

Tom Chartrand said right now it looks like Alliance has a little advantage over HSBC and a humongous advantage over M & T. He doesn't think the check machine is part of the Alliance proposal. He will have more information on this for the Board tomorrow night.

7. **SPECIAL REPORTS.** None.

8. **REPORTS.**

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

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

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

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

- Springhill Construction - court 08.29.07, referred to ZBA.

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

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

- d) 3669 Eager Road – dumping (letter sent, 7/07).
- e) 3303 Apulia Road – vehicles (letter sent, 7/01).
- f) 3965 Coye Road – vehicles (letter sent,7/01).
- g) 2966 Sentinel Heights Road – burned out vehicle & structure & two unlicensed vehicles.
- h) Maple Grove – trash dumped in creek?
- i) Morezak Road – log.  
This can be removed from the agenda.
- j) Written report for August.

Ralph Lamson arrived.

Supervisor Scammell asked him about Mr. Johnson's property.

Ralph said as far as running a dumpster business out of there, Mr. Johnson is looking for a zone change.

Supervisor Scammell asked if he could keep the dumpsters on his property.

Ralph said he is running a business out of there. The sign by the road triggered the complaint. He doesn't think Mr. Johnson can get a use variance for this.

Discussion took place regarding businesses being operated in the area between Mr. Johnson's house and the Hamlet District.

Kevin Gilligan said if Mr. Johnson is going to go forward, he should have a survey and description of the property if the Board is receptive to a zone change.

Councilor McConnell thinks this complaint came to the CEO and he did his job. Mr. Johnson would like to be legal about it. He would suggest Mr. Johnson contact Ralph so Ralph could advise him of the appeal process where he goes to the ZBA to have them determine if he is running a business.

Ralph said Mr. Johnson has already admitted he is running a business.

Supervisor Scammell asked about Maple Grove and trash in the creek.

Ralph said he has been up there. There is some brush pushed back. There is no creek right now and he didn't find any trash at all. He will check on it again to be sure the brush isn't going to deter the run-off.

Supervisor Scammell asked the status of Springhill Construction.

Ralph said they are back in court Wednesday night. He laid out Sheila Kelley's options to her and she hasn't done anything.

Councilor Knapp asked what the ZBA said.

Ralph said they advised she is running a business and it's not grandfathered in as the business has changed.

Councilor McConnell thought Chairman Beggs, the Town ZBA Attorney and the CEO did a very good job explaining the situation. The applicant advised she hadn't been told to apply for a business and he knows the Town Board advised her that she should

and he thinks the Town Clerk and Supervisor advised her a year ago that she would need to. He thinks this is being stalled by the owner and hopes the court makes a decision this week.

Kevin Gilligan asked if Ralph would like Sam to attend court Wednesday night.

Ralph said he will be contacting Sheila Kelley tomorrow to see if she has done anything. The town has laid out what should be done on this.

Supervisor Scammell said this case has gone on for 8-9 months. He asked what options the court has.

Kevin said to shut them down or fine them heavily.

Ralph thinks Sheila will say she's going to apply for a home occupation and it will get delayed again.

The Board asked what time this is scheduled on Wednesday.

No one knew the exact time.

Kevin said if Ralph wants Sam to attend to give him a call.

The Board discussed whether to have Sam attend.

Councilor Shute was not in favor of it.

Councilor Bailey was in favor of having him attend.

Councilor McConnell asked what his roll would be that night.

Kevin said to spell it out and not let it be delayed further.

Councilor McConnell would let the CEO speak on behalf of the town on this matter.

Ralph said he will advise there's no reason to delay this any more and an ending date should be set.

Kevin said if the application isn't filed by a certain time, the judge can say this will be set for trial at his next date on the bench.

Ralph advised the property on Webb Road has been cleaned up and can be removed from the agenda.

The Board asked about the building on Maple Grove.

Ralph advised the Watson building is up.

Councilor Shute received a complaint that there is a star on the building.

Ralph said they do have one on it.

Councilor Knapp asked about the creek.

Ralph said in the spring there is probably run-off there but he didn't see a creek. He will move the brush and take a closer look at it.

The Board discussed the Cohen development.

Ralph said he hasn't done any work at the site yet.

Kevin said the real estate documents are not ready.

Leon Cook said Jeff Cohen has called him several times. He hasn't talked to him.

Councilor Knapp asked what documents are needed.

Kevin said deeds and easements. Mr. Cohen's attorney has known about this for months and months. The insurance is good and security is good. Our problem is the real estate documents.

Supervisor Scammell what the hold-up on the real estate is.

Kevin said the lawyer. We need deeds, easements, drainage, roads, etc. We need some title work done. There's a mish-mash of stuff that comes in by bits and pieces.

Supervisor Scammell asked if the applicant doesn't have money to go forward with this development, what happens?

Kevin said at some point the town could level the land off and reseed it to bring it back to its natural state. The security the applicant has in place could be used to do this.

Supervisor Scammell asked how long this would go on before the town got involved.

Kevin said whatever the developer agreement says. Its' really not hurting anybody the way it is and he would hold off as long as possible.

Councilor Bailey asked about the letter form the DOT regarding this property.

Kevin said someone took away the state pavement.

Leon said they were going to have this all paved last fall. They didn't have it dug out to the pavement at that time but did it this year when they put the run-a-crush in. Mr. Cohen should do from the pavement to his property.

Supervisor Scammell asked if we are ready to issue a Stop Work Order if we need to.

Ralph said yes.

Kevin confirmed one had been issued earlier.

Ralph said no. He was told to stop work but no order was sent.

Kevin said if he starts work up, we need to be prepared to shut him down.

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.
- Remove old town signs

Leon Cook said in between working on cleaning shoulders and ditches and putting pipe in, they have been working on the plow trucks to get them ready for winter. He informed the Board of the maintenance that had been done.

Councilor Knapp asked if the green stuff the county uses dissolves away.

Leon said no. It builds up. He doesn't think there's any advantage to using it. They have mowed all the roadsides for the third time.

Leon said he is hoping to pave the road crossing on West Shore Manor.

The canopy for the roller is in and he turned the bill in tonight.

Leon discussed the area where the town stores their crushed stone. The land was owned by Schoeck's and has been purchased by Jerome Rockwell. He received a letter from Mr. Rockwell's attorney asking for tax abatement, rent and an insurance policy.

Kevin said we cannot grant him a tax abatement.

Supervisor Scammell asked if we have any alternatives.

Leon said not really. There really isn't a good spot at the landfill for it.

Supervisor Scammell confirmed Leon is gong to meet with Mr. Rockwell to see what can be done.

Leon said yes.

Councilor McConnell asked how much stone is there.

Leon said about 3 ton now.

Kevin said there should be a written lease if the town is going to lease the property. In that agreement there will be an indemnity and hold harmless agreement and then there is insurance that ensures these things are done.

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

- Unified Court System 06.13.07 request for most recent audit or examination of records (no response).

Supervisor Scammell said a letter was received from the Unified Court System in June. Dave Lamson provided the town with the checklists he does every month. He asked Tom Chartrand what else the Board might need.

Tom Chartrand said whatever the Board needs to be content that they have monitored the court books. They want to see that you have reviewed the courts records sufficiently so you can render that they have been audited. The motion goes in the minutes and Mary Jo sends them a copy. They would really like the Board to hire an independent auditor for all the departments. The board is responsible for auditing the books whether they hire someone to do it or do it themselves. You make a motion that you found a positive audit of the departments books. He believes a time period must be included in the motion.

Supervisor Scammell would recommend writing them a letter stating that they intend to audit the books for the court at the end of the year.

**Councilor Knapp moved and Councilor McConnell seconded the motion that the Town Board has reviewed the Justice Court records from August 2006 through August 2007 and find them to be satisfactory and correct. Voting was as follows:**

<b>Supervisor Scammell</b>	<b>Voting</b>	<b>Yes</b>
<b>Councilor Knapp</b>	<b>Voting</b>	<b>Yes</b>
<b>Councilor Bailey</b>	<b>Voting</b>	<b>Yes</b>
<b>Councilor McConnell</b>	<b>Voting</b>	<b>Yes</b>
<b>Councilor Shute</b>	<b>Voting</b>	<b>Yes</b>

**Motion passed unanimously.**

**Councilor’s Knapp moved and Bailey seconded the motion authorizing the Supervisor to send a letter to the Unified Court System advising them of this. Motion passed unanimously.**

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

- a) LPL Trustees 06.05 meeting.
- b) LPL Trustees 08.20 meeting.

Councilor Knapp noted that circulation has gone down.

Supervisor Scammell noted in their August report they discussed finding out if the town is interested in sharing in their expansion of the library.

The Board agreed they would be interested in exploring the expansion.

Leon asked if the \$39,171.01 for CHIPS has been received.

Tom Chartrand said it was received last Monday.

Leon said he will get the old signs down.

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

- Monthly recreation report.

Councilor McConnell noted in Regina’s report that his team of boys 13-15 participated in the summer Apple Valley League baseball program. They played a game at Cooperstown. He thanked Sean Kelly and Vic DuPuis for helping out.

- 8) **Tax Collector:** Teresa Mech.
- Delinquent tax collection matter.

- 9) **Town Clerk:** Mary Jo Kelly.
- Written report for August.

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

- a) Business demand survey (newsletter).

Supervisor Scammell noted this will be in the next LaFayette Newsletter.

Councilor Shute asked to have a copy of the survey before the Newsletter comes out.

- b) Sky Heights subdivision - Tully.

A written report for August was submitted.

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

**GENERAL FUND**

**To:**

A1420.4	Attorney	Contractual	\$6,500.00
A9730.7	Debt Service	Interest	<u>\$2,955.00</u>
<b>TOTAL</b>			<b>\$8,455.00</b>

**From:**

A1989.4	Workshops	Contractual	\$3,000.00
A3120.4	Police & Constable	Contractual	\$2,500.00
A8160.4	Refuse & Garbage	Contractual	<u>\$2,955.00</u>
<b>TOTAL</b>			<b>\$8,455.00</b>

**HIGHWAY FUND**

**To:**

DA5112.2	Improvements	Capital Outlay	<u>\$1,342.00</u>
<b>TOTAL</b>			<b>\$1,342.00</b>

**From:**

DA599	Surplus	CHIPS Payment	<u>\$1,342.00</u>
<b>TOTAL</b>			<b>\$1,342.00</b>

**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.
  - Senior website being designed by S.U. student Gail Burleigh.
- 3) **Economic Development** (Bill McConnell & Greg Scammell).
  - a) LaFayette Hotel/Amidon Building – Thoma Redevelopment Report for LaFayette Hotel. NY Restore (on hold).
  - b) Focus 2010.
  - c) Hamlet sanitary sewer district.
  - d) Hamlet water district – survey proposal.

Councilor McConnell talked to Mr. Thoma regarding the Board's input and some questions he had. He showed the Board the properties the survey would go to. He discussed the questions on the survey and the order they are in.

Councilor Knapp suggested including Applewood Estates in the survey.

Councilor Shute doesn't agree with putting the \$800 amount in the survey because if it isn't going to be allowed to cost this much, why should it be left in there to scare people.

Kevin Gilligan reminded the Board that the state could approve a district at \$800 if it appeared enough people wanted it at that cost.

Councilor McConnell said if the Board approves going forward with this, Mr. Thoma can have it in the mail by the end of the week. They will analyze the data and let the Board know their findings. They will keep all information received confidential.

Supervisor Scammell would suggest putting a place for comments at the end of the survey.

Councilor Knapp would agree this should be added.

The Board was in agreement to add Applewood Estates and the houses right around it.

Councilor McConnell asked Councilor Shute if he wished to discuss the amount any further.

Councilor Shute said it makes more sense with Kevin's explanation that you could conceivably do this. If this came out to cost more than \$600, would the Board pursue this and what's the chance it would be approved by the state comptroller? He thinks keeping the town to the \$600 might be better for people who are on the fence about whether they want it or not.

Kevin said you don't know you can keep it at \$600.

Councilor McConnell is stating this is a way to see how badly people want it. If you test it at \$600 and it comes out to be \$750 you don't know if people would be willing to pay that. By going to \$800 it lets you now how many people would be interested. In the future there may not be any programs to offset the cost.

Supervisor Scammell said this is just a preliminary survey. Right now we don't know if folks want it or not. If everyone checks under \$400 and the preliminary amount comes in at \$800, we definitely have some work to do.

Councilor McConnell said the question is can we afford it and what grants are available to offset the cost.

- 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.
  - f) Pets Evacuation & Transportation Standards Act of 2006.
  - g) NIMS workshop.
  - h) NIMS contact information (05.07.07 letter)
    - Local resolution similar to county's needed?
    - Jurisdiction contact sheet
    - CNY Business Journal – “Legal, HR considerations before a pandemic flu strikes. “
  - i) Contact Greg Hoxie, AEDs.
  - j) Mass shelter response.
- 5) **Employee Policies & Benefits** (Mary Jo Kelly, Adrian Shute & Mary Doster).
- NYS Deferred Employee Compensation Plan (have Tom C evaluate?).
  - Up to date posters (minimum wage, etc.)
- 6) **Environmental & Conservation Advisory Board** (Rainer Brocke, Barb Ferro, Knowlton Foote, Eileen Gilligan & Nancy Mueller, open position).
- 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 Storrer/DK).
  - c) Town offices - thermostats (DK).
  - d) Town offices - Loose clapboards.
  - e) HAVA/ADA polling place compliance.
  - f) Stafford Park – carry in, carry out signs?
  - g) Community Center – handrail and porch steps.

## h) Additional deputy?

Supervisor Scammell asked about hiring an additional deputy.

Councilor Shute said Scott Kushner said he does have an insurance policy for his company.

Supervisor Scammell asked if it was enough.

Councilor Shute believes it is.

Councilor Knapp asked Mary Jo to put a copy of our Contractor Agreement in Scott's tray.

Councilor Knapp said Fred Groth said the heat tape by the library does have a thermostat on it so it can be lugged in any time.

The heating and cooling system at the Town Offices was discussed.

Councilor McConnell said he spoke with Vince Maher about this and he has a contractor that does his buildings who has something he puts on the units to stop the problems. He will talk to Vince tomorrow about this.

Supervisor Scammell said our current service company has advised one could go at any time.

Councilor McConnell will get back to the Board after he talks to Vince.

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%.
- 2007 CNY Community Foundation Grants – trees.

## 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).

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

- a) Smoke detector batteries – change at DST/EST time changes (2x/year).
- b) NYS Workplace Violence Prevention Law (NYS boilerplate & DVD).
- c) Snowblower (electric?) evaluation.

Councilor Shute said he checked on the snowblowers. The cost for an electric one runs from \$150 - \$200. The gas ones start at \$300. The electric snowblowers list themselves as only being able to handle up to 4" of snow. He doesn't think they would last a season. The gas ones are heavier. He would guess the smaller gas snow blowers would weight about 125#.

Councilor Knapp asked where it could be stored.

Supervisor Scammell will talk to Herb Salladin about this

- d) Light (emergency) on north exit.
- e) Community Center Inspection list, 06.29.07.

Councilor Shute asked if Herb had replaced the stairs and built the handrail yet.

Mary Jo said he is working on it.

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

Councilor McConnell said he met with Tiffany Phillips. She is here until January. There are some courses coming up that he may attend to see how towns and schools can work together.

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

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

- LOSAP proposal.

Councilor McConnell said there will be representatives for the Service Award Program at the L.F.D. at 6:30 to talk to them about the Program. If the L.F.D. opts to go with the new proposal, it will be less costly.

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).

Councilor McConnell discussed the CNY Regional Planning Board's proposal for the town to pay up to \$5,000 for participation in this program. This program relates to the educational requirements of the SPDES MS-4 program. The cost may go down as more towns opt to participate in the program..

**Councilor Knapp moved and Councilor McConnell seconded the motion authorizing the town to enter into a binding agreement with CNY Regional Planning Board to have them administer the educational requirements of the SPDES MS-4 Program. Motion passed unanimously.**

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 - EFC.
  - Construction underway.
  - Authorized payments to contractor.
  - Water testing fees from Onondaga County Department of Health.
  - Stipulation Agreement – Northeast LaFayette Water District and Onondaga County Health Department.
- b) Hamlet drainage study – request submitted to NYS DOT, intersection of Routes 11 & 20 to be reconstructed in 2010.

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.

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

**A. Onondaga Nation Land/Land Rights Claim.**

Kevin Gilligan thinks the cases we are seeing are saying this is all well and good however you don't wait 400 years and then ask for money. Who's to know what the eventual outcome will be but right now they are not doing real well.

**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 - November.

Kevin Gilligan said John Langey argued this case last Thursday. He would expect a decision in 60 days. His impression was that it went well for the town.

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

- A. Decision favoring town.
- B. Grader appeal – withdrawn?
- C. WSR 8.17.07 memo.

Kevin Gilligan said the town opted to wait the 9 months.

**D. “The Grove Subdivision” – stop work order.**

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

**A. Community Development Grant app.**

- 1) 2006 - Water district & Water District hookups. Being administered 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).

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

**C. Moses DeWitt cemetery.**

Councilor Shute said Mary Jo has submitted information on this to the Board for their review.

**D. NYS DOT: quarterly reports on 11 & 20 reconstruction.**

**E. For TB review.**

- GBoR member: tbd , 01/01/07 – 09/30/08 (replacing John Aiken’s term).

**11. NEW BUSINESS.**

• **Rx zoning classification.**

Kevin Gilligan submitted some samples of residential zoning that some other towns use.

• **Other.**

Kevin Gilligan in regards to the Northeast Water District, he got in touch with bond counsel today and he thinks the town can get some money. If the board wishes, it could go back to M & T Bank and get money on a short term bases to pay LaFleur.

Councilor Knapp asked about EPA.

Kevin said John Dunkle was advised the EPA would finish their review this week and then it’s about 30 days from that date that the cash would flow.

Tom Chartrand is more concerned about the EFC that said we have to surrender all borrowings.

Kevin said bond counsel advised that they do not care.

Tom said at this point the town has already loaned the water district \$90,000.

Kevin said the Board could bond enough from M & T to repay the General Fund so you aren't doing this. He asked the Board what they wanted to do.

Tom Chartrand reviewed where the town is at right now on the water district.

Kevin said the EPA has been working on the SEQR process for about 2 months now.

Councilor McConnell asked if there isn't a fire that can be put under them.

Kevin said Walsh's Office has been calling them every day.

Councilor McConnell asked if the contractor is that needy for the funds to pay his debts that he can't wait the 30 days. He would prefer not to raise the price on the resident's and would prefer to have the work done. Is it worth a call to the contractor to see what their position is on this?

Councilor Bailey said LaFleur has done municipal projects in the past and he thinks he is aware that these things can happen.

Councilor Shute asked the lead time needed to take out the note.

Kevin would think a couple of days.

Councilor Shute would recommend waiting until the 4<sup>th</sup> to make a decision.

Councilor McConnell would recommend not bonding any money unless we absolutely have to.

The Board was in agreement with this.

Kevin Gilligan said we held the public hearings for the SPDES laws at the last meeting but couldn't go forward as we hadn't heard back from County Planning. They have since commended the town for taking these steps and recommend approving them.

**RESOLUTION  
LAFAYETTE TOWN BOARD**

**September 24, 2007**

**The following resolution was offered by Councilor McConnell, who moved its adoption, seconded by Councilor Knapp, to wit:**

**WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. D of 2007, "A Local Law to Establish Minimum Erosion/Sediment and Stormwater Management Requirements and Controls in the Town of LaFayette", was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on August 13, 2007; and**

**WHEREAS, a public hearing was held on such proposed Local Law on the 10th day of September, 2007 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and**

**WHEREAS, at its August 13, 2007 meeting this Board determined that the enactment of Proposed Local Law No. D of 2007 is an unlisted action that there are no other involved agencies, that this Board will act as lead agency for this application; and**

**WHEREAS, it is in the public interest to enact said Proposed Local Law No. D of 2007.**

**NOW, THEREFORE, it is**

**RESOLVED AND DETERMINED, that having reviewed the EAF submitted in connection with this application and the criteria set forth in 6 NYCRR Section 617, this Board as lead agency determines that there is unlikely to be any adverse environmental impact from this action and therefore renders a negative declaration for purposes of SEQR; and it is further**

**RESOLVED AND DETERMINED, that, by resolution dated September 11, 2007, the County Planning Board reviewed and considered this referral for a text amendment from the Town of LaFayette and approved the same. Moreover, the Onondaga County Planning Board commended the Town for completing the Erosion/Sediment Control and Stormwater Management local law.**

**RESOLVED AND DETERMINED, that proposed Local Law D-2007 is hereby enacted as Local Law 5-2007, as follows:**

**TOWN OF LAFAYETTE**

**Local Law No. 5 of the Year 2007**

**A Local Law to Establish Minimum Erosion/Sediment  
and Stormwater Management Requirements and  
Controls in the Town of LaFayette**

**Be it enacted by the Town Board of the Town of LaFayette, effective January 1, 2008, as follows:**

**EROSION/SEDIMENT CONTROL AND STORMWATER MANAGEMENT**

**Article I  
General Provisions**

**Section 1. Findings of Fact.**

**It is hereby determined that:**

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;**
- B. This stormwater runoff contributes to increased flooding and quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;**
- C. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;**

- D. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;**
- E. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;**
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;**
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff and sediment and erosion control from land development activities;**
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.**
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.**

**Section 2. Purpose.**

**The purpose of this Local Law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This Local Law seeks to meet those purposes by achieving the following objectives:**

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;**
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;**

- C. **Minimize increases in stormwater runoff from land development activities in order to reduce flooding, turbidity, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;**
- D. **Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;**
- E. **Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and**
- F. **Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly designed, maintained and eliminate threats to public safety.**

**Section 3. Statutory Authority.**

**In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of LaFayette has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of LaFayette and for the protection and enhancement of its physical environment. The Town Board of the Town of LaFayette may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.**

**Section 4. Definitions.**

**The terms used in this Local Law or in documents prepared or reviewed under this Local Law shall have the meaning as set forth in this section.**

**AGRICULTURAL ACTIVITY – the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.**

**APPLICANT – a property owner or agent of a property owner who has filed an application for a land development activity.**

**BUILDING – any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.**

**CHANNEL** – a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**CLEARING** – any activity that removes the vegetative surface cover.

**DEDICATION** – the deliberate appropriation of property by its owner for general public use.

**DEPARTMENT** – the New York State Department of Environmental Conservation

**DESIGN MANUAL** – the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices (a sample of which is attached hereto as Schedule A).

**DEVELOPER** – a person who undertakes land development activities.

**EROSION CONTROL** - a measure that prevents sediment from being transported from a site.

**EROSION CONTROL MANUAL** – the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

**GRADING** – excavation or fill of material, including the resulting conditions thereof.

**IMPERVIOUS COVER** – those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**INDUSTRIAL STORMWATER PERMIT** – a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**INFILTRATION** – the process of percolating stormwater into the subsoil.

**JURISDICTIONAL WETLAND** – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**LAND DEVELOPMENT ACTIVITY** – construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or

**sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.**

**LANDOWNER – the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.**

**MAINTENANCE AGREEMENT – a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.**

**NONPOINT SOURCE POLLUTION - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.**

**PHASING – clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.**

**POLLUTANT OF CONCERN – sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.**

**PROJECT – land development activity**

**RECHARGE – the replenishment of groundwater.**

**SEDIMENT CONTROL – measures that prevent eroded sediment from leaving the site.**

**SENSITIVE AREAS – cold water fisheries, shellfish beds, swimming beaches, water supply reservoirs, habitats for threatened, endangered or special concern species.**

**SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.**

**SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.**

**STABILIZATION – the use of practices that prevent exposed soil from eroding.**

**START OF CONSTRUCTION** - the first land disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and sidewalks; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings.

**STOP WORK ORDER** – an order issued which requires that all construction activity on a site be stopped.

**STORMWATER** – rainwater, surface runoff, snowmelt and drainage.

**STORMWATER HOTSPOT** – a land use or activity that generates concentrations of hydrocarbons, trace metals or toxicants in violation of NYS Water Quality Standards.

**STORMWATER MANAGEMENT** – the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**STORMWATER MANAGEMENT FACILITY** – one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**STORMWATER MANAGEMENT OFFICER** - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

**STORMWATER MANAGEMENT PRACTICES (SMPs)** – measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** – a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**STORMWATER RUNOFF** – flow on the surface of the ground, resulting from precipitation.

**SURFACE WATERS OF THE STATE OF NEW YORK** – lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to

manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**WATERCOURSE** – a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**WATERWAY** – a channel that directs surface runoff to a watercourse or to the public storm drain.

**Section 5. Applicability.**

- A. This Local Law shall be applicable to all land development activities, as defined in this Local Law, within the portion of the Town of LaFayette designated as a regulated MS4 area by the Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation (DEC) or any similar agency, as amended from time to time.**
  
- B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Town Board of the Town of LaFayette, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.**
  
- C. All land development activities subject to review and approval by the applicable board of the Town of LaFayette under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this local law.**
  
- D. All land development activities not subject to review as stated in subsection C above shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.**

**Section 6. Exemptions.**

**The following activities may be exempt from review under this law.**

- A. Agricultural activity as defined in this Local Law.**

- B. Silvicultural activity except that landing areas and log haul roads are subject to this Local Law.**
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.**
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.**
- E. Cemetery graves.**
- F. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.**
- G. Emergency activity immediately necessary to protect life, property or natural resources.**
- H. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.**
- I. Landscaping and horticultural activities in connection with an existing structure.**
- J. Any part of a subdivision if a plat for the subdivision has been approved by the Town of LaFayette on or before the effective date of this Local Law.**
- K. Land development activities for which a building permit has been approved on or before the effective date of this Local Law.**

**Article II  
Stormwater Pollution Prevention Plans**

**Section 7. Stormwater Pollution Prevention Plan Requirement.**

**No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.**

**Section 8. Contents of Stormwater Pollution Prevention Plans.**

- A. All SWPPPs shall provide the following background information and erosion and sediment controls:**
- (1) Background information about the scope of the project, including location, type and size of project;**
  - (2) Site map/construction drawing(s) for the project, including a general location map with a scale no smaller than 1"=100 ft.; contour intervals with a minimum of 25 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); locations or known presence of agricultural tile drains or other existing features that cause artificial drainage of the site and their impact on the hydrology;**
  - (3) Description of the soil(s) present at the site;**
  - (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP;**
  - (5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;**
  - (6) Description and volume of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;**
  - (7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;**
  - (8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;**

- (9) **Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;**
  - (10) **Temporary practices that will be converted to permanent control measures;**
  - (11) **Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;**
  - (12) **Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;**
  - (13) **Name(s) of the receiving water(s);**
  - (14) **Delineation of SWPPP implementation responsibilities for each part of the site;**
  - (15) **Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and**
  - (16) **Any existing data that describes the stormwater runoff at the site.**
- B. Land development activities as defined in Section 1 of this Article and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection C below as applicable:**
- (1) **Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department’s most recent 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.**
  - (2) **Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.**
  - (3) **Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.**
- C. SWPPP Requirements for Condition A, B and C:**

- (1) All information in Subsection A of this Section;
- (2) Description of each post-construction stormwater management practice;
- (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- (4) Map showing watershed area used for hydrological and hydraulic analyses;
- (5) All references for data;
- (6) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (7) Comparison of post-development stormwater runoff conditions with pre-development conditions;
- (8) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- (9) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
- (10) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (11) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article III of this Local Law; and
- (12) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this Local Law.

**Section 9. Other Environmental Permits.**

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

**Section 10. Contractor Certification.**

- A. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: “I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.”**
- B. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.**
- C. The certification statement(s) shall become part of the SWPPP for the land development activity.**
- D. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.**

**Section 11. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control.**

**All land development activities shall be subject to the following performance and design criteria:**

- A. Technical Standards. For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:**
  - (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual).**
  - (2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Local Law of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).**
- B. Equivalence to Technical Standards. Where stormwater management practices are not in accordance with technical standards, the applicant or**

**developer must demonstrate equivalence to the technical standards set forth in Section 11(A) and the SWPPP shall be prepared by a licensed professional.**

- C. Water Quality Standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York or cause a violation of New York State water quality standards.**

**Section 12. Maintenance, Inspection and Repair of Stormwater Facilities.**

**A. Maintenance and Inspection During Construction.**

- (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.**
- (2) For land development activities as defined in Section 4 of this Local Law and meeting Condition A, B or C in Section 8(B), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.**

- B. Maintenance Easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of LaFayette to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of LaFayette.**

- C. Maintenance after Construction. The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:**

- (1) **A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.**
- (2) **Written procedures for operation and maintenance and training new maintenance personnel.**
- (3) **Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 11(C).**

**D. Maintenance Agreements.**

- (1) **The Town of LaFayette shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement.**
- (2) **The Town of LaFayette, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility and creation of a drainage district, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.**

**Article III**

**Administration and Enforcement**

**Section 13. Construction Inspection.**

**A. Erosion and Sediment Control Inspection. The Town of LaFayette Stormwater Management Officer may require such inspections as necessary to determine compliance with this Local Law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this Local Law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of LaFayette enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:**

- (1) **Start of construction;**
- (2) **Installation of sediment and erosion control measures;**





- B. Maintenance Guarantee.** Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of LaFayette with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of LaFayette may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

**Section 15. Record keeping.**

The Town of LaFayette shall require entities subject to this law to maintain records demonstrating compliance with this Local Law.

**Section 16. Enforcement and Penalties.**

- A. Notice of Violation.** When the Town of LaFayette determines that a land development activity is not being carried out in accordance with the requirements of this Local Law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- (1) the name and address of the landowner, developer or applicant;**
  - (2) the address when available or a description of the building, structure or land upon which the violation is occurring;**
  - (3) a statement specifying the nature of the violation;**
  - (4) a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;**
  - (5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;**
  - (6) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.**
- B. Stop Work Orders.** The Town of LaFayette may issue a stop work order for violations of this Local Law. Persons receiving a stop work order shall be

required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of LaFayette confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Local Law.

- C. **Violations.** Any land development activity that is commenced or is conducted contrary to this Local Law, may be restrained by injunction or otherwise abated in a manner provided by law.
- D. **Penalties.** In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- E. **Withholding of Certificate of Occupancy.** If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. **Restoration of lands.** Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of LaFayette may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**Section 17. Fees for Services.**

Any person undertaking land development activities regulated by this law shall reimburse the Town for all expenses and costs associated with compliance with these requirements, including, but not limited to, engineering and legal expenses.

**Section 18. Severability.**

**If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.**

**Section 19. Effective Date.**

**This Local Law shall be effective upon filing with the office of the Secretary of State.**

## Schedule A

**Stormwater Management Practices Acceptable for Water Quality***(From: New York State Stormwater Management Design Manual, Table 5.1)*

<b>Group</b>	<b>Practice</b>	<b>Description</b>
<b>Pond</b>	<b>Micropool Extended Detention Pond (P-1)</b>	<b>Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.</b>
	<b>Wet Pond (P-2)</b>	<b>Pond that provides storage for the entire water quality volume in the permanent pool.</b>
	<b>Wet Extended Detention Pond (P-3)</b>	<b>Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.</b>
	<b>Multiple Pond System (P-4)</b>	<b>A group of ponds that collectively treat the water quality volume.</b>
	<b>Pocket Pond (P-5)</b>	<b>A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.</b>
<b>Wetland</b>	<b>Shallow Wetland (W-1)</b>	<b>A wetland that provides water quality treatment entirely in a shallow marsh.</b>
	<b>Extended Detention Wetland (W-2)</b>	<b>A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.</b>
	<b>Pond/Wetland System (W-3)</b>	<b>A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.</b>
	<b>Pocket Wetland (W-4)</b>	<b>A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.</b>
<b>Infiltration</b>	<b>Infiltration Trench (I-1)</b>	<b>An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.</b>
	<b>Infiltration Basin (I-2)</b>	<b>An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.</b>
	<b>Dry Well (I-3)</b>	<b>An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.</b>
<b>Filtering</b>	<b>Surface Sand Filter (F-1)</b>	<b>A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.</b>
	<b>Underground Sand Filter (F-2)</b>	<b>A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.</b>

<b>Practices</b>	<b>Perimeter Sand Filter (F-3)</b>	<b>A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.</b>
	<b>Organic Filter (F-4)</b>	<b>A filtering practice that uses an organic medium such as compost in the filter in place of sand.</b>
	<b>Bioretention (F-5)</b>	<b>A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.</b>
<b>Open Channels</b>	<b>Dry Swale (O-1)</b>	<b>An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.</b>
	<b>Wet Swale (O-2)</b>	<b>An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.</b>

**Schedule B**

**SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT**

**WHEREAS, the Town of LaFayette ("Municipality") and the \_\_\_\_\_ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and**

**WHEREAS, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:**

- 1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.**
- 2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.**
- 3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.**
- 4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.**
- 5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.**

- 6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
- 7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
- 8. This agreement shall be recorded in the Office of the County Clerk, County of \_\_\_\_\_ together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to \_\_\_\_\_.
- 9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
- 10. This agreement is effective \_\_\_\_\_.

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

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

The foregoing resolution was thereupon declared duly adopted.

**RESOLUTION  
LAFAYETTE TOWN BOARD**

September 24, 2007

The following resolution was offered by Councilor Knapp, who moved its adoption, seconded by Councilor McConnell, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. E of 2007, "A Local Law Amending the Subdivision Regulations of the Town of LaFayette, Originally Adopted by the Town of LaFayette Planning Board on May 12, 1987 and Approved

by the Town of LaFayette Town Board on July 13, 1987, As Previously Amended", was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on August 13, 2007.

WHEREAS, a public hearing was held on such proposed Local Law on the 10th day of September, 2007 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, at its August 13, 2007 meeting this Board determined that the enactment of Proposed Local Law No. E of 2007 is an unlisted action that there are no other involved agencies, that this Board will act as lead agency for this application; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. E of 2007.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that having reviewed the EAF submitted in connection with this application and the criteria set forth in 6 NYCRR Section 617, this Board as lead agency determines that there is unlikely to be any adverse environmental impact from this action and therefore renders a negative declaration for purposes of SEQR; and it is further

RESOLVED AND DETERMINED, that, by resolution dated September 11, 2007, the County Planning Board reviewed and considered this referral for a text amendment from the Town of LaFayette and approved the same. Moreover, the Onondaga County Planning Board commended the Town for amending its Subdivision Regulations to comply with the Erosion/Sediment Control and Stormwater Management local law.

RESOLVED AND DETERMINED, that proposed Local Law E-2007 is hereby enacted as Local Law 6-2007, as follows:

**TOWN OF LAFAYETTE  
LOCAL LAW NO. 6-2007**

**A Local Law Amending the Subdivision Regulations of  
the Town of LaFayette, Originally Adopted by the  
Town of LaFayette Planning Board on May 12, 1987  
and Approved by the Town of LaFayette Town Board  
on July 13, 1987, As Previously Amended**

Be it enacted by the Town Board of the Town of LaFayette, effective January 1, 2008, as follows:

**Section 1. The purpose of this Local Law is to make all subdivisions within the Town of LaFayette subject to Local Law No. 5 of 2007 which establishes minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and**

welfare of the public residing within this jurisdiction.

**Section 2. The Subdivision Regulations of the Town of LaFayette, originally adopted by the Town Planning Board on May 12, 1987 and approved by the Town Board of the Town of LaFayette on July 13, 1987, as previously amended are hereby further amended to add a new Section 370 as follows:**

**“Section 370 Stormwater Pollution Prevention Plan:**

- 1. Preliminary Subdivision Plat. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Local Law No. 5 of 2007 shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Preliminary Subdivision Plat shall be consistent with the provisions of Local Law No. 5 of 2007.**
  
- 2. Final Subdivision Plat. A Stormwater Pollution Prevention Plan consistent with the requirements of Local Law No.5 of 2007 and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Final Subdivision Plat shall be consistent with the provisions of Local Law No. 5 of 2007.”**

**Section 3. Effective Date.**

**This local law shall take effect upon its filing with the New York Secretary of State.**

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

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

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

**TOWN OF LAFAYETTE**

**RESOLUTION TOWN BOARD MEETING**

**September 24, 2007**

The following resolution was offered by Councilor Knapp, who moved its adoption, seconded by Councilor McConnell, to wit:

WHEREAS, pursuant to the provisions of the Town Law, a proposed ordinance was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on August 13, 2007 which would amend the 1970 Zoning Ordinance of the Town of LaFayette to require compliance with the new local law pertaining to Erosion/Sediment Control and Stormwater Management (Local Law No. 5 of 2007); and

WHEREAS, a public hearing was held on September 10, 2007, and proofs of publication of notice of both public hearings, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed ordinance having been heard, and said proposed ordinance having been in the possession of the members of the Town Board of the Town of LaFayette in the manner required by law; and

WHEREAS, at its August 13, 2007 meeting, this Board determined that the proposed ordinance amendment, as herein described, was an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, it is in the public interest to enact said proposed ordinance amendment.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that having reviewed the EAF submitted in connection with this application and the criteria set forth in 6 NYCRR Section 617, this Board as lead agency determines that there is unlikely to be any adverse environmental impact from this action and therefore renders a negative declaration for purposes of SEQR; and it is further

RESOLVED AND DETERMINED, that, by resolution dated September 11, 2007, the County Planning Board reviewed and considered this referral for a text amendment from the Town of LaFayette and approved the same. Moreover, the Onondaga County Planning Board commended the Town for amending its Zoning Ordinance to comply with the requirements of the Erosion/Sediment Control and Stormwater Management local law.

RESOLVED AND DETERMINED, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby adopt the proposed Ordinance amendment, as follows:

**REVISED  
AMENDMENT TO THE 1970 ZONING ORDINANCE  
OF THE TOWN OF LAFAYETTE, AS AMENDED**

BE IT ORDAINED, by the Town of LaFayette, acting through its duly constituted Town Board and pursuant to the authority conferred by Section 265 of the Town Law, the 1970 Zoning Ordinance of the Town of LaFayette, as amended, is hereby further amended, effective January 1, 2008, as set forth below:

Section 1. So that Section C of Article III of the Zoning Ordinance is amended to add a new subsection (e) as follows:

“e) A Stormwater Pollution Prevention Plan (“SWPPP”) consistent with the requirements of Local Law No. 5 of 2007 shall be required for Controlled Site Uses for all land development activities, as that term is defined in Local Law No. 5 of 2007. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Controlled Site Use shall be consistent with the provisions of Local Law No. 5 of 2007.”

Section 2. So that Section B of Article IV of the Zoning Ordinance is amended to add a new subsection (g) as follows:

“G) A Stormwater Pollution Prevention Plan (“SWPPP”) consistent with the requirements of Local Law No. 5 of 2007 shall be required for Specific Use Permits for all land development activities, as that term is defined in Local Law No. 5 of 2007. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Specific Use Permit shall be consistent with the provisions of Local Law No. 5 of 2007.”

Section 3. So that a new Section J of Article V of the Zoning Ordinance is added as follows:

**“SECTION J. STORMWATER POLLUTION PREVENTION PLAN.**

A Stormwater Pollution Prevention Plan (“SWPPP”) consistent with the requirements of Local Law No. 5 of 2007 shall be required for all land development activities, as that term is defined in Local Law No. 5 of 2007. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007.”

Section 4. Effective Date.

This Local Law shall be effective upon filing with the office of the Secretary of State.

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

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

The foregoing resolution was thereupon declared duly adopted.

Councilor Knapp asked if the letter regarding Zumpano is just renewing the deposit.

Kevin Gilligan said he is just checking to be sure the security is in place.

Councilor Knapp said he was shocked at how the intersection at Route 20 and Route 11 has been pushed back. It's unfortunate that we are in a holding pattern regarding the building at the corner.

Councilor Shute said people have been waiting to decide what they want to do about signs, etc.

Councilor Knapp said we have 4 foreign exchange students in town from Sweden, Germany, Viet Nam and Norway. When he had the Irish exchange student in town and the Board did the Honorary Citizenship Certificate for her, she took it back to Ireland with her and was very pleased. He would like to do one of these for the 4 students here now and invite them to the October Meeting.

The Board was in agreement with this.

Councilor Shute said he was pulling into Grimshaw School and a car passed him on the shoulder of the road and missed hitting the kids in the house next to the church by inches. He thinks we should have the Sheriff's Dept. come out for a couple of days a week.

Councilor McConnell suggested having a flashing light put on the speed limit sign near the corner to make people aware.

Tom Chartrand said some of the money has been used from the Sheriff's money to pay for the attorney fees.

Councilor Bailey said he will contact the Sheriff's Dept. first to see if someone is available.

Ralph Lamson would suggest talking to Harrison Homer. He thinks Harrison has been around town quite a bit.

Councilor Shute would recommend having someone between 7:00 – 8:00 a.m.

Councilor Bailey will check on this.

12. Suggestions for improvement and positive contributions.

There were none.

13. Executive session (if needed).

14. Councilor's Bailey moved and Knapp seconded the motion to audit and pay the following bills:

<b>GENERAL FUND</b>	<b># 8446 – 8466</b>
<b>HIGHWAY FUND</b>	<b># 8472 – 8481</b>
<b>SPECIAL DISTRICT FUND</b>	<b># 8467</b>
<b>TRUST &amp; AGENCY FUND</b>	<b># 8468 – 8470</b>
<b>COMMUNITY DEVELOPMENT &amp; CAPITAL FUND</b>	<b># 8471</b>

Motion passed unanimously.

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

The Town Board Meeting adjourned at 9:24 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

**Adopted 10/2/07**