

Minutes of the Town Board Meeting held by the LaFayette Town Board on October 22, 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  
David Knapp, Councilor  
William McConnell, Councilor  
Adrian Shute, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Kevin Gilligan, Town Attorney  
Tom Chartrand, Bookkeeper  
Regina Reinschmidt, Rec. Coord.

1. Supervisor Scammell called the meeting to order at 6:40 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to our U. S. Flag. Town Councilor Adrian Shute.

Moment of silence in respect for Jim Munnell, LaFayette Town Assessor who recently passed away.

4. **Councilor's Shute moved and McConnell seconded the motion to accept prior meeting minutes of October 2, 2007, as submitted by the Town Clerk Motion passed unanimously.**

**Councilor's Shute moved and McConnell seconded the motion to accept prior meeting minutes of October 16, 2007, as submitted by the Town Clerk with the following amendment: It was Councilor Shute who voted nay and not Councilor McConnell on both motions. Motion passed unanimously.**

5. **PUBLIC HEARINGS.** None.

6. **COMMUNICATIONS:**

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

B. **U.S. SENATOR CHARLES SCHUMER: 2008 MUSEUMS FOR AMERICA GRANT PROGRAM.**

C. **UBS: RELATIONSHIP RENEWAL SOUGHT.**

Councilor McConnell said UBS Financial Services would like to renew their agreement with the town relating to the fire department's Length of Service Award Programs. He has spoken to them about this.

**D. U.S. SENATOR CHARLES SCHUMER: 2008 LAURA BUSH 21<sup>st</sup> CENTURY LIBRARIAN PROGRAM.**

**E. CORNELL COOPERATIVE EXTENSION ONONDAGA COUNTY: PLANNING FOR AGRICULTURE & ROAD KILL COMPOSTING WORKSHOP.**

Councilor Knapp asked Leon Cook if the Highway Dept. is all set with this.

Leon said yes.

Councilor Knapp was surprised at the number of animals composted. There are 25,000 dead deer managed annually by the NYSDOT which does not include deer killed on the thruway or on county and town roads.

Leon said the county doesn't pick deer up anymore. One of the crew bosses marks the spot on the road where the deer has been killed and they have hired a company who takes care of them. They do this because it's a health hazard. This is just for deer.

**F. NYS OFFICE OF THE STATE COMPTROLLER: LOCAL GOVERNMENT AND SCHOOL ACCOUNTABILITY – JUSTICE COURT CONSOLIDATION IN VILLAGES AND TOWNS.**

Councilor Knapp said merging village and towns doesn't apply to us. He doesn't know if it would behoove us to merge the justice department with other towns. LaFayette is bigger than the other southern towns. There would have to be some very accurate accounting. The nice part would be rather than referring a case out to another town, another judge could be brought in. If we were to share the money 50/50, we would be taking a hit on that.

**G. ONONDAGA COUNTY LEGISLATURE: 10.09.07 AGENDA.**

**H. NYS ASSEMBLY STANDING COMMITTEE ON LABOR, CHILDREN & FAMILIES & SOCIAL SERVICES: PUBLIC HEARING ON HIGH QUALITY, AFFORDABLE AND ACCESSABLE CHILD CARE FOR WORKING FAMILIES.**

**I. SOUTHERN HILLS PRESERVATION CORPORATION: ANNUAL REQUEST.**

Tom Chartrand said we are scheduled to send Southern Hills \$2,500 next year. We have already sent them our support for this year. A voucher will be prepared for this next year.

**J. NYS DEPARTMENT OF AGRICULTURE & MARKETS: AVAILABILITY OF GRANTS PROGRAM TO DEVELOP AGRICULTURAL AND FARMLAND PROTECTION PLANS.**

Councilor Knapp asked Kevin Gilligan if he had a chance to look over this grant program.

Kevin said no. If the Board would like him to, he will.

Councilor McConnell said the money is there to help preserve those lands.

Councilor Knapp asked in what way.

Councilor McConnell said that is up to the town to determine.

Councilor McConnell said they just came out with two grants for rural towns to help do a Comprehensive Plan. He will try to get some more information on this.

**K. SYRACUSE POST STANDARD, 9.21.07, C-1: JOBLESS RATE AT 7-YEAR LOW.**

**L. U. S. SENATOR CHARLES SCHUMER: DIGITAL HUMANITIES START-UP GRANTS PROGRAM.**

**M. OTHER.**

Supervisor Scammell said we have received a renewal contract for the Xerox copier.

Councilor Knapp asked if it's paid for yet.

Supervisor Scammell would like to consider combining the two copiers that are currently in the Town Office and in the Justice Dept.

Councilor Bailey said if the big copier keeps breaking down, could it be replaced?

Tom Chartrand said it looks like the town purchased the big copier in the Town Offices in 2001.

Mary Jo said we get charged overage for copies periodically too.

Councilor Shute asked if we can get an increased number of copies added to the service agreement.

Tom Chartrand said as the machines get older they stop making parts for them and don't offer the service renewal option.

**Councilor's Knapp moved and Bailey seconded the motion to renew the Xerox copy machine service contract. Motion passed unanimously.**

5. **SPECIAL REPORTS.** None.

6. **REPORTS.**

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

1) **Assessors:** Mary Doster, Marshall Taylor.

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

c) 3669 Eager Road – dumping (letter sent, 7/07).

d) 3303 Apulia Road – vehicles (letter sent, 7/01).

e) 3965 Coye Road – vehicles (letter sent,7/01).

- f) 2966 Sentinel Heights Road – burned out vehicle & structure & two unlicensed vehicles.
- g) Maple Grove – trash dumped in creek?
- h) May structure: demolition permit needed?
- i) Written Monthly report submitted for September.

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

Supervisor Scammell said Jim Moore indicated they would like rules for the parks.

Councilor Knapp said Community Council is looking at getting some signs made similar to our Welcome to LaFayette signs that will show better what fields are in which location. There might be a way to put a sign underneath their signs stating the rules.

Councilor McConnell said most of the time he sees Stafford used by people who park there by the tennis courts and let their dogs run.

Councilor Knapp said the rules could be put on the Stafford Park sign and on the two signs put up by Community Council for the fields.

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

- Remove old town signs.

Leon said they have removed all the old town signs.

Councilor Knapp said there's one on Route 20 across from Katie and Jason Olrich's.

Leon will look for it.

- Jerome Rockwell draft agreement.

Leon said he got in touch with their attorney who advised he hasn't had time to do anything yet.

They have been working on the plow equipment. They have a brush crew working too. They have cleaned quite a bit of ditches and shoulders. They have been taking care of bad spots on some roads. He had to go up to Chase Road today and used 20 ton of blacktop patching bad spots. They got some wintermix and they are filling in the ruts by the mailboxes around town. They have less of these ruts to do each year.

Old Schoolhouse Road has been a thorn in their side every winter. They plow it with a small truck. There's one house on it. It's 300' long. They oiled and stoned it so now they don't have to worry about the plow digging in any more.

Supervisor Scammell asked if the other part of the road on the other side of Route 81 is called Orchard Lane.

Leon said yes. It was split when Route 81 came through. They have the sanders on. There is a payment due with the bills on the new 10-wheeler.

The state had their auction. He went and everything they had was rusted out worse than the one the Highway Dept. wants to get rid of. Last Saturday the county had their auction. They probably had 30-40 pickups. There was one in there from DeWitt that went for almost \$5,000 that was all rusted out. The Town of Geddes has in their budget to get a new truck and the one they are getting rid of is in real good shape. That is the only chance right now. He thinks it will be about \$3,000-\$4,000. It's a 98 Chevy that is in pretty good shape.

Councilor Knapp said there's a nice 98 half-ton diesel down at McNerney's lot for \$8,000 with 67,000 miles.

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

- a) Unified Court System 06.13.07 request (January, '08 review): town letter to NYS Office of Court Administration.
- b) Monthly reports for August and September, 2007 were submitted.

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

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

Regina said youth soccer is winding down. They had about 80 kids participating. They have had boys lacrosse at the box which will go for another week or two. Volleyball has started. Adult aerobics has started too. They had a lot of new Board Members for Community Council and they had lots of volunteers for the Apple Festival. Everything went very well.

They have quotes for the signs at the ballfields. The only holdup is they weren't sure whether to call them the Optimist Fields or Town Fields for the ones by the concession stand.

Councilor Knapp will look into this.

Councilor Bailey asked if having the park patrol helped with the vandalism.

Regina said yes.

8) **Tax Collector:** Teresa Mech.

- Delinquent tax collection matter.  
Supervisor Scammell said this can be removed from the agenda as it has been paid in full.

9) **Town Clerk:** Mary Jo Kelly.

- Monthly report for September, 2007 submitted.

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

- a) Business demand survey (newsletter).
- b) Sky Heights subdivision - Tully.

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

**GENERAL FUND:**

<b>To:</b>			
<b>A1420.4</b>	<b>Attorney</b>	<b>Contractual</b>	<b><u>\$12,000.00</u></b>
		<b>TOTAL</b>	<b><u>\$12,000.00</u></b>
=====			

<b>From:</b>			
<b>A1910.4</b>	<b>Insurance</b>	<b>Contractual</b>	<b><u>\$3,600.00</u></b>
<b>A1620.4</b>	<b>Buildings</b>	<b>Personal Services</b>	<b><u>\$8,400.00</u></b>
		<b>TOTAL</b>	<b><u>\$12,000.00</u></b>
=====			

**SPECIAL WATER DISTRICT FUND**

<b>To:</b>			
<b>SW8340.4</b>	<b>Transmission</b>	<b>Contractual</b>	<b><u>\$1,140.00</u></b>
	<b>&amp; Distribution</b>		
		<b>TOTAL</b>	<b><u>\$1,140.00</u></b>
=====			

<b>From:</b>			
<b>SW599</b>	<b>Surplus</b>		<b><u>\$1,140.00</u></b>
		<b>TOTAL</b>	<b><u>\$1,140.00</u></b>
=====			

**Motion passed unanimously.**

Tom Chartrand discussed the new health insurance rates. The tax rate for this will go down from what was anticipated in the budget for 2008.

**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.
  - Monthly report submitted by Webmaster Mike Forte.
- 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.  
 Councilor McConnell said the survey results will be completed by the next meeting.
  - d) Hamlet water district – survey mailers.

- 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.

Councilor Knapp said they had a SOTS meeting this morning and they were talking about a town evacuation plan.

Tom Chartrand said it’s part of the plan you submit to the county.

Councilor Bailey said there’s nothing formal yet. The next workshop he attends will discuss this. If the town forms its own plan and later on finds out it conflicts with the county plan, there is a problem.

- 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).
- Councilor Knapp said they met a couple of weeks ago and went for a ride around the town to look at some of the roads that there are concerns about.
- Leon said Jamesville Grove is going to pave this Wednesday.
- Supervisor Scammell asked if it was just the apron.
- Leon said they are planning to do the whole road.
- 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).
- 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?

9) **Recreation & Youth** (Dave Knapp, Adrian Shute, Regina Reinschmidt).

Councilor Knapp said he is waiting for the request from Community Development.

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.

Councilor McConnell said he has a call into Dave Anthony regarding the planting of the 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.
- d) Light (emergency) on north exit.
- e) Community Center Inspection list, 06.29.07.

Councilor Shute said we were inspected by the state.

Mary Jo said a spontaneous inspection was done of the Town Offices. She believes most of the items in violation were electrical.

Supervisor Scammell agreed that most of the items are electrical. We have 30 days from the time we receive the report to get the items fixed.

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

Councilor Knapp said they are going to be interviewing the new superintendent candidates starting next week. He has been asked to be on the committee. The interviews are on the 30<sup>th</sup> and 31<sup>st</sup>.

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

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

- LOSAP proposal.

Councilor McConnell said the L.F.D. came back with their membership to accept the BPA program for the Service Awards. It is up to the Town Board to take the next step to approve or disapprove this. Once the Board decides, BPA and Penflex will have to be notified.

**Councilor's Knapp moved and McConnell seconded the motion to authorize a new provider of BPA for the LaFayette Fire Dept. Service Award Program effective January 1, 2008. Motion passed unanimously.**

Councilor McConnell will contact Ed Holihan about this.

14) **SOTS & OCRRA Liaison** (Dave Knapp & Bill McConnell).

- District wide mailing – 2007 fuel costs, prevailing wage, etc.

Councilor Knapp said they had a meeting this morning and all the rates will remain the same. There will be no increase.

15) **SPDES** (Bill McConnell, Jim Nakas, Steve Beggs, Nancy Mueller, Ralph Lamson, John Dunkle & Kevin Gilligan).

- Local Law F – to Prohibit Illicit Connections, Activities and Discharges. \*

Kevin Gilligan said tonight the Board can introduce the Illicit Discharge Law and set a date for a public hearing of November 12<sup>th</sup>.

Councilor McConnell said the illicit discharge of both future and past must be addressed.

Councilor Knapp asked the definition of illicit discharge.

Councilor McConnell said there can be no runoff of anything hazardous from a business or private residence. It does not include the natural occurring things.

Councilor McConnell asked if this ordinance was drafted from a template from another town.

Kevin Gilligan said from the DEC.

Councilor McConnell said: (1) the Board needs to understand what we are getting into; (2) We have to appoint someone to enforce this; (3) How are we going to do this without becoming embodied into a state enforced law? If we introduce this, he still thinks we need to find out some answers as to how we are going to do this as a town. The two MS4 areas are the Jamesville Reservoir area and the area by Butternut Creek.

Councilor Shute asked where it discusses things that have already happened. Can they do that?

Kevin Gilligan said yes. It's to eliminate future violations and to go back and correct existing violations.

Councilor McConnell would put off approving or disapproving this. When we put this ordinance into effect, we should have a plan of who will enforce it.

Councilor Knapp asked if this will require an engineer.

Councilor McConnell said he spoke to someone about this who might be willing to assist the town.

Councilor Knapp asked if there is a rate.

Councilor McConnell said the rates could be provided. It would probably be \$135/hour.

Councilor McConnell said the consultant would be on an as needed basis.

Councilor Shute thought when we limited the scope of this it didn't seem there would be a lot of problems in the areas.

Councilor McConnell said the only problem is it's a state mandate.

Councilor Knapp said he is just waiting for the state to make this mandatory town-wide. The main thing is to be sure we are in compliance in the meantime. We don't need to be getting fined.

Councilor McConnell said this must be in effect by 1/1/08.

**Councilor's Knapp moved and McConnell seconded the motion authorizing Councilor McConnell to seek consultation from O'Brien and Gere regarding the SPDES Committee work not to exceed \$300. Voting 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>No</b>

**Motion carried.**

## **TOWN BOARD RESOLUTION**

**October 22, 2007**

**Councilor McConnell introduced proposed Local Law No. F-2007, prohibit illicit connections, activities and discharges to the municipal separate storm sewer system in the Town of LaFayette, and made the following motion, which was seconded by Councilor Knapp:**

**WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter.**

**NOW, THEREFORE, it is**

**RESOLVED AND DETERMINED, that there are no other involved agencies, that the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQR and that the Town Board shall act as lead agency with regard to this proposed action; and it is further**

**RESOLVED, that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. F-2007 at the Town Hall located at 2577 Route 11 in the Town of LaFayette on November 12, 2007 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.**

**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>No</b>

**Motion carried.**

**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.
  - Unit assignment mailing.

Kevin Gilligan said EPA has issued it’s environmental determination. There’s a 30 day public comment period and we are now in the midst of that. By 11/15/07 they believe the EPA money will be flowing. He, Supervisor Scammell, Councilor Shute and John Dunkle met with the contractors and they weren’t thrilled but didn’t object to it.

Councilor Shute said they were pretty good about the whole ting.

- 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.**

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.
- Appellate Division affirms decision in town's favor.
- Structure removed?

C. **SPRINGHILL FARMS.**

Discussion took place regarding the status of this application before the Zoning Board of Appeals.

D. **JAMESVILLE GROVE SUBDIVISION: Authorizations.**

Kevin Gilligan said everything that was required for them to do has been turned in.

The Board discussed plowing of the new road.

Kevin said plowing could begin once there is a residence on the road or the town could accept the binder until spring.

Leon said by plowing it, you know whether you will have a failure or not before the final acceptance. He thinks he will get Pompey to run through there with their truck.

**Councilor's Knapp moved and Shute seconded the motion authorizing the following:**

- 1) **Authorize the Supervisor to execute the Subordination Agreement – there is a current mortgage which will need to be subordinated to the rights of the Town relative to the Roads and Drainage Easement. This Subordination Agreement will accomplish that.**
- 2) **Authorize the Supervisor to execute the Amended Drainage Construction and Maintenance Agreement – this Agreement was originally executed in October 2006 but is being revised to reflect the newly filed amended subdivision map.**
- 3) **Authorize the Supervisor to execute the Amended Highway, Sewer and Drainage Construction and Maintenance Agreement – this Agreement was originally executed in October 2006 but is being revised to reflect the newly filed amended subdivision map.**

- 4) **Authorize the Town Attorney to execute the documents necessary to file the road deed and drainage easement. Motion passed unanimously.**

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 (AS).**

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.**

**Councilor’s Knapp moved and McConnell seconded the motion to appoint Shawn Adam as Assessor to fill the remainder of Jim Munnell’s term. Motion passed unanimously.**

Councilor Knapp noted Shawn will have to resign from the Grievance Board of Review.

- Rx zoning classification.  
Councilor Knapp would like this left on the agenda.  
Councilor Bailey asked about the forming of a Home Owners Association.  
Councilor Knapp said the town doesn’t have anything to do with those.  
Kevin Gilligan confirmed this. From the standpoint of these working, they are done by a developer before he sells off lots to people. In developments where the problem currently exists, not everyone would sign it. You need everyone to sign for a Home Owners Association to work.  
Councilor Knapp asked if there is any equalizing force to keep it from going crazy.

Kevin said generally the homeowners agreements are there when you buy your property and all the people who might cause a problem under the Homeowners Association Agreement, wouldn't sign it or purchase the property.

Councilor McConnell doesn't think this would be a successful program. He didn't like living in a Home Owners Association.

Councilor Bailey asked if it could be countered by a 75% majority who would spell out the rules and regulations.

Kevin said no. You can't force it on somebody.

Supervisor Scammell asked what about a dispute mediation panel who would hear complaints and suggest ways to resolve them.

Kevin said that is usually part of a Home Owners Association. The town has it's own dispute resolution program in the Planning Board, Zoning Board of Appeals or Justice Court.

Supervisor Scammell said this would be to just facilitate the process.

Kevin said that is what the Zoning Board of Appeals does.

- Route 20 Crossroads Corporation: rezoning/change of venue request.

Councilor Knapp asked about an application being made to the Zoning Board of Appeals vs. the Planning Board.

Kevin said controlled site approval is basically an allowed use and you are basically looking at the aesthetics of it. Specific Permit means that it's a permitted use as long as you meet the criteria in the Zoning Ordinance, i.e. don't cause traffic hazard, etc.

Councilor Knapp asked what if it's not necessarily an allowed use.

Kevin said if it's not an allowed use, it requires a zone change or a use variance.

Councilor Bailey said as far as a hotel, he doesn't think there is infrastructure to support it.

It was confirmed that of all the items Bruce Donohue listed that he might like on this property, only hotel and gas station would not be an allowed use in the Hamlet.

Councilor Knapp wouldn't mind changing the Zoning Ordinance regarding appearing before the Planning Board or Zoning Board of Appeals.

Councilor Shute said County Planning requires a referral on new businesses in the Hamlet. He would like to see something for a business in the Hamlet which meets x, y & z criteria and is replacing an old business that a referral/application might not be needed. It tends to take 3 months for a new business to start under the current procedure which hinders someone wanting to purchase a business.

Kevin said you don't buy the property until the rules are in place. It should only take two months.

Councilor Shute said the way it reads now, after County Planning replies there is another 30 day waiting period.

Kevin said no. The County Planning Board has 30 days to respond. Once the town hears back from them, they can act. Normally it should take two meetings depending on the meeting dates.

Councilor Knapp said for a flower shop, the chiropractic business, etc. they were very similar businesses to the previous ones. Is there a way they can come to the ZBA or Planning Board and present what they are going to do and if it's basically the same as what was going on before, the Board can give it's blessing?

Discussion took place regarding new businesses taking over where old businesses were.

Mary Jo said there was a form used in the past for this purpose. She will try to find it.

Councilor McConnell doesn't think this should drag on for a long time.

- 1898 North Road: rezoning request.

Supervisor Scammell said he would like to be rezoned from A/R to Business which would allow him to have the dumpster business.

Kevin Gilligan asked what the use was before.

The Board didn't know.

Supervisor Scammell said if the business was a dumpster business, the non-conforming use would continue.

Kevin said he has the same issue as Ms. Kelley does. He must prove that it's always been a dumpster business use and there was no break in use since before zoning to now and he must have evidence of this.

Councilor Bailey doesn't know how you would improve or modify this as it would be spot zoning.

Councilor Knapp noted there are other areas in this neighborhood that businesses are operating.

It was noted Mr. Johnson has the opportunity to prove the dumpster business was in effect continuously prior to zoning through today.

Councilor McConnell would encourage Ralph Lamson to contact Mr. Johnson to bring forward his evidence.

- Alliance & HSBC banking proposals.

Supervisor Scammell said he was at M & T today and he advised the manager the town was exploring two other banks.

Tom Chartrand said he heard from Bob Fenner of HSBC who advised their rates might be a little higher as his rates included the check cashing machine and Alliance Bank's did not.

Supervisor Scammell hasn't heard back from M & T yet. He asked if he should show M & T what Alliance and HSBC have proposed.

Councilor Knapp said he would just say they are thousands and thousands of dollars out of the ballpark.

Supervisor Scammell confirmed this is regarding the interest.

Councilor Knapp said the check cashing machine is very attractive.

Councilor Shute said the services and general friendliness are important too.

Supervisor Scammell said the manager advised that M & T's rates were very competitive.

Tom Chartrand said Alliance and HSBC's savings rates are better than the CD rates from M & T.

Kevin said something to keep in mind is your ability to borrow. You don't borrow often but sometime might need to borrow quickly. This might be something asked of all the banks.

Councilor Knapp said he talked to Mr. Fenner of HSBC today and they have very quick procedures in place to work something like that out very quickly.

Supervisor Scammell said he will tell M & T that the town is looking for a proposal from them.

Tom Chartrand said the savings and checking rates are not competitive.

Councilor Knapp said as the Board is stewards of the tax payers money, the difference was too significant to ignore.

Councilor Shute said in a perfect world it would be a perfect opportunity to make a change for everyone in the town.

Councilor McConnell said services are about 50/50 for him regarding friendliness. He ran into a friend who went into the bank and came out totally disturbed.

Councilor Knapp said most of the people he’s talked to about changing banks have said “you haven’t done it already?”.

Councilor McConnell said we don’t have a scheduled meeting until the public hearing on the budget. He would hope to be able to make a decision on this at that time.

Tom Chartrand said the decision doesn’t have to come at any specific point other than by January 1, 2008 when the Board needs to be in a better interest earning account. It would be nice to have something in place in December.

Councilor McConnell said since we only have 3 official meetings left right now, why don’t we decide on the Organizational Meeting date now. It would be good to have a handle on the reappointments that are coming up and any openings. Have we ever had an Organizational Meeting and a Town Board Meeting afterwards?

Supervisor Scammell said the Organizational Meeting is more of a social event.

Councilor Shute said he would like to know what appointments are coming up.

Councilor Shute said the Tree Lighting Ceremony will be December 2<sup>nd</sup>. In the past the town has given a little money for the donkey. The donkey is no longer with us. He spoke to the senior class at the High School and he knows there’s been a wish to get more students involved. They have agreed to run a contest to collect charitable items. They are putting together some items needed by Outreach. He advised we would get some prizes. He would like the town to continue to support the tree lighting.

Councilor Knapp thinks it’s an event that draws a lot of people.

Councilor Shute said Outreach said their greatest needs are paper products right now.

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

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

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

<b>HIGHWAY FUND`</b>	<b># 8564 - 8586</b>
<b>GENERAL FUND</b>	<b>#8587 – 8626</b>
<b>SPECIAL DISTRICT FUND</b>	<b># 8629</b>
<b>TRUST &amp; AGENCY FUND</b>	<b># 8630 – 8641</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 9:09 p.m.



Respectfully submitted,

Mary Jo Kelly  
Town Clerk

**Approved 11/8/07**