

Minutes of the Town Board Meeting held by the LaFayette Town Board on November 26, 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  
Tom Chartrand, Bookkeeper  
Pat Zangari  
Peter Grevelding  
Peter Zangari  
Jason Allers  
Stephen Beggs, ZBA  
Jim Stoddard  
Jim Moore, DCO  
JoAnn Moore

1. Supervisor Scammell called the meeting to order at 6:31 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to our U. S. Flag led by Town Councilor Dave Knapp.
4. **Councilor's McConnell moved and Knapp seconded the motion to accept the November 9, 2007 Special Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**

**Councilor's Knapp moved and Bailey seconded the motion to accept the November 14, 2007 Special Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**

5. **PUBLIC HEARINGS: Local Law F-2007: SPDES.**

Supervisor Scammell opened the public hearing.

Councilor McConnell said O'Brien and Gere have advised the draft law will meet the requirements. He spoke with John Dunkle last week and there have been 25 outflows identified.

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

**Councilor's Knapp moved and McConnell seconded the motion to close the public hearing. Motion passed unanimously.**

Councilor McConnell said the law must be in effect by January 8, 2008. There are other things that have to be accomplished by January 8<sup>th</sup> too.

**RESOLUTION  
LAFAYETTE TOWN BOARD**

**November 26, 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. F of 2007, "A Local Law to Prohibit Illicit Connections, Activities and Discharges to the Municipal Separate Storm Sewer System in the Town of LaFayette", was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on October 22, 2007**

**WHEREAS, a public hearing was held on such proposed Local Law on the 12th day of November, 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 October 22, 2007 meeting this Board determined that the enactment of Proposed Local Law No. F 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. F 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 proposed Local Law F-2007 is hereby enacted as Local Law 7-2007, as follows:**

**TOWN OF LAFAYETTE**

**Local Law No. 7 of the Year 2007**

**A Local Law to Prohibit Illicit Connections, Activities  
and Discharges to the Municipal Separate Storm Sewer  
System in the Town of LaFayette**

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

**ILLICIT CONNECTIONS, ACTIVITIES AND DISCHARGE**

**Article I  
General Provisions**

**SECTION 1. PURPOSE/INTENT.**

**The purpose of this local law is to provide for the health, safety, and general welfare of the citizens of the Town of LaFayette through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and New York State law. This local law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this local law are:**

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as amended or revised;**
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;**
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4;**
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this local law;  
and**
- E. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;**
- F. To prohibit Illicit Connections, Activities and Discharges to the MS4;**
- G. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this local law;  
and**

**SECTION 2. DEFINITIONS.**

**Whenever used in this local law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms shall have meanings set forth below:**

**BEST MANAGEMENT PRACTICES (BMPS).** Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY.** Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**DEPARTMENT.** The New York State Department of Environmental Conservation.

**HAZARDOUS MATERIALS.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLICIT CONNECTIONS.** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- (a) Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of
  - (a) whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
  - (b) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**INDUSTRIAL ACTIVITY.** Activities requiring the SPDES permits for discharges from industrial activities except construction, GP-98-03, as amended or revised.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** A conveyance or system of conveyances (including roads and drainage systems, municipal streets, catch basins, curbs, gutters, man-made channels, or storm drains):

1. Owned or operated by the Town of LaFayette;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2

**MUNICIPALITY.** The Town of LaFayette.

**NON-STORM WATER DISCHARGE.** Any discharge to the storm drain system that is not composed entirely of storm water.

**PERSON.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT.** Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water which may cause or might reasonable be expected to cause pollution of the waters of the state in contravention of the standards.

**PREMISES.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**SPECIAL CONDITIONS.**

1. **1. Discharge Compliance with Water Quality Standards.** The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
2. **303(d) Listed Waters.** The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
3. **Total Maximum Daily Load (TMDL) Strategy.**
  - a. **The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.**

- b. The condition in the municipality’s MS4 that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL’s approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.**

**STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT.** A permit issued by the Department that authorizes the discharge of pollutants to waters of the State.

**STORM WATER.** Rainwater, surface runoff, snowmelt and drainage.

**STORMWATER MANAGEMENT OFFICER.** An employee, the town engineer or other public official(s) designates by the Town of LaFayette to enforce this local law. The SMO may also be designated by the Town of LaFayette to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board, inspect stormwater management practices and designate certain responsibilities pursuant to this local law to other employees or agents of the Town of LaFayette.

**303(d) LIST.** A list of all surface waters in the State for which beneficial used of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by NYS DEC as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

**TOTAL MAXIMUM DAILY LOAD (TMDL).** The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

**WASTEWATER.** Water that is not stormwater, is contaminated with pollutants and it or will be discarded.

**SECTION 3. APPLICABILITY.**

**This local law shall apply to all water entering the MS4 generated on any developed and undeveloped lands 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, unless explicitly exempted by an authorized**

**enforcement agency.**

**SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

**The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the Town of LaFayette.**

**SECTION 5. SEVERABILITY.**

**The provisions of this local law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Local law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Local law.**

**SECTION 6. DISCHARGE PROHIBITIONS.**

**A. Prohibition of Illegal Discharges.**

- 1. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except those discharges described as follows:**

**The following discharges, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn**

- a. watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. These discharges are only exempt provided they are made in accordance with an appropriate plan for reducing pollutants.**
- b. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.**

- c. **Dye testing in compliance with applicable state and local laws, provided that a verbal notification is given to the SMO prior to the time of the test.**
- d. **Any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.**

**B. Prohibition of Illicit Connections.**

- 1. **The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.**
- 2. **This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.**
- 3. **A person is considered to be in violation of this local law if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.**

**SECTION 7. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER**

- A. **Activities that are subject to the requirements of this section are those types of activities that:**
  - 1. **Cause or contribute to a violation of the municipality's MS4 SPDES permit.**
  - 2. **Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.**
- B. **Such activities include improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.**
- C. **Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.**



**SECTION 8. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

- A. Best Management Practices.** Where the SMO has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 7 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
- 1. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.**
  - 2. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 7, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.**
  - 3. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.**

**SECTION 9. SUSPENSION OF MS4 ACCESS.**

**Illicit Discharges in Emergency Situations.** The SMO may, without prior notice, suspend

- A. MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons**
- B. Suspension Due to the Detection of Illicit Discharge.** Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefore. The violator may petition the SMO for a reconsideration

**and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.**

#### **SECTION 10. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

**Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.**

#### **SECTION 11. ACCESS AND MONITORING OF DISCHARGES.**

**A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law**

**This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.**

##### **B. Access to Facilities.**

- 1. The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.**
- 2. Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.**
- 3. The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.**
- 4. The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this**

**law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.**

- 5. Unreasonable delays in allowing the municipality access to a facility subject to this law are a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.**
- 6. If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction..**

## **SECTION 12. NOTIFICATION OF SPILLS.**

**Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services, and then notify the Stormwater Management Officer. In the event of a release of non-hazardous materials, said person shall notify the Stormwater Management Officer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.**

## **SECTION 13. ENFORCEMENT.**

**C. Notice of Violation.** When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The elimination of illicit connections or discharges;
2. That violating discharges, practices, or operations shall cease and desist;
3. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
4. The performance of monitoring, analyses, and reporting;
5. Payment of a fine; and
6. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator

**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.

#### **SECTION 14. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the

**SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.**

**SECTION 15. CORRECTIVE MEASURES AFTER APPEAL.**

- A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.**
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.**

**SECTION 16. COST OF ABATEMENT OF THE VIOLATION.**

**Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.**

**SECTION 17. INJUNCTIVE RELIEF.**

**It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation..**

**SECTION 18. ALTERNATIVE REMEDIES.**

- A. Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:**

1. **The violation was unintentional**
2. **The violator has no history of previous violations of this Law.**
3. **Environmental damage was minimal.**
4. **Violator acted quickly to remedy violation.**
5. **Violator cooperated in investigation and resolution.**

**B. Alternative remedies may consist of one or more of the following:**

1. **Attendance at compliance workshops**
2. **Storm drain stenciling or storm drain marking**
3. **River, stream or creek cleanup activities**

**SECTION 19. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

**In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.**

**SECTION 20. REMEDIES NOT EXCLUSIVE.**

**The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.**

**SECTION 21. EFFECTIVE DATE.**

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

Councilor Bailey asked if this would apply retroactively to developments that might be going on.

Councilor McConnell said yes. The worst part is how you will detect a 20-30 year old septic and leach field that might be draining into one of the outflows.

**6. COMMUNICATIONS.**

**A. RESIDENTS.**

Pat Zangari wanted to follow up with the Board. She was instructed to let Ralph Lamson know about construction equipment that is now being stored behind their

home. She would like to know the status of her 11/08/07 complaint to Ralph Lamson regarding the reappearance of construction vehicles at 6783 Morezak Rd. She foiled a request of Mr. Lamson's letter to Mr. Carter which read as follows:

"I am writing in regards to your property at 6783 Morezak Road. I have no problem with you driving home your dump truck or occasionally bringing home the backhoe. When you have more than one piece of equipment stored on the property it tends to lean towards a business being run on the property. I noticed this week that there was a backhoe and a small excavator on the property. I will inspect the property again in two weeks to see if the situation is resolved..."

Pat would like to know why the letter didn't state Mr. Carter should remove the equipment or he would be cited. Where in the code book does it state someone can be in violation for two weeks? Does this mean Mr. Chapman could store construction equipment on his property for 13 days with no consequences. Are Mr. Stiners and Mr. Fitzpatrick's concerns more worthy of being addressed than the Zangari's? Can Mr. Carter violate the ordinance and Mr. Chapman can not? Where does it say Ralph is supported by the law from the Town Board for not doing his job? They invite Mr. Gilligan and the Town Board Members to store all Mr. Carter's vehicles for 13 days at a time to see how they would like this treatment. The 9/10/07 Town Board Minutes indicate that the activity should not be taking place on Morezak Road and could not take place on Maple Grove. They would like to see this matter resolved. They need to have some consistency. They have done everything the Board has asked of them and they would like to see this matter resolved in a way that would benefit the community.

Supervisor Scammell said Ralph Lamson is not here this evening and he can't respond for him.

Pat would like Ralph's letter entered into the Minutes and would like Ralph to respond.

Peter Zangari said Mr. Carter is storing the equipment right in front of their house instead of somewhere else on the property. He has spread four pieces of equipment right across his driveway which is what they see from their kitchen window or patio. Mr. Carter has property going to the right of the house where he could put the stuff so they don't see it. If he wants to keep the equipment there that is fine, just park it so they don't have to see it.

Supervisor Scammell believes he understands what they are saying.

Councilor McConnell said he agrees with the consistency part along with the CEO needs to follow-up on it.

Pat said there should be a clear indicator about moving the equipment after 13 days.

Councilor McConnell believes there is a business address in Fabius. He believes Mr. Carter has alternatives. Having talked to both neighbors on the issues, he thinks it becomes an aggravation to them.

Pat asked if it's a business district or not. Kevin Gilligan clearly stated in the September 10<sup>th</sup> Minutes this business should not be going on.

Supervisor Scammell said it's always been an Agricultural/Residential District.

Peter Zangari said he was only supposed to bring his equipment home to change the oil, etc. None of the equipment has moved in 2-3 weeks.

Pat Zangari said this is the man who told the Planning Board he would not be keeping his equipment on his property.

Councilor Shute said when they are talking about Mr. Carter parking equipment where they can't see it, would that resolve the issue for them?

Peter said it would appease them not to see the equipment out of the back window but he doesn't think it will resolve the problem.

Councilor Shute confirmed it's their opinion that the problem with Ralph Lamson's letter is that they should have been cited and not warned by the letter.

Pat said it was clear from Kevin Gilligan that the Chapman's would be cited if equipment were stored there so if the equipment is moved at the Carter residence in 13 days and then comes back, what is the way to resolve this?

Peter Zangari said he works with the county and takes care of the sheriff's vehicles. He would relate this to you doing something wrong and you are cited for it and after a time or two of going to court and paying a fine you maybe learn your lesson. Mr. Carter is allowed to continue to do this with nothing happening to him so he continues to do it.

Pat wanted her letter to Ralph Lamson to be entered into the Minutes as follows:

"Dear Mr. Lamson,

I just spoke with Mike Stiner from the Maple Grove Drive subdivision.

We discussed the 9/10/07 Town Board Meeting notes where Mr. Gilligan commented that the district does not allow commercial operation in a non business district.

The 9/10/07 Town Board Meeting notes reflect that Mr. Lamson advised Mr. Gilligan that no business could take place there and it stopped. In the future if commercial activities take place, we could cite the Chapman matter or a court order could be obtained to restrict them. What must be understood is that there can be no commercial operation there. You can't store construction vehicles there, no backhoes, etc. and no oil changes or maintenance on the equipment can take place.

It's not a Business District but an Agricultural/Residential District.

Mr. Gilligan said that all the things that he listed above comprise operating a business. Mr. Gilligan also said "you can't have employees coming there and taking stored vehicles to go to work. This can't be a staging location. This is their house and they can live there."

Mr. Stiner has visited our area on the 1950 Berry Road subdivision and relayed that he prefers looking at the "Chapman building" vs. the amount of construction vehicles the Zangari's have to view.

We all share concerns about the devalue of our property due to the neighborhood viewed as a construction/business zone.

It is our hope as well as Mr. Stiners and other taxpayers that their concerns are addressed and that the same standards are applied to all constituents.

In the last few weeks, Mr. Carter is back to storing his dump truck, flat bed, back hoe, and construction vehicles in sight. In the past we have made complaints and brought in documentation to Mr. Lamson. We are again notifying Mr. Lamson."

Pat thanked the Board for listening.

Councilor McConnell said he received an email from Linda DeSaw regarding the custodial position. He asked the other Town Board Members what they felt. Should this position be advertised or what do the Board Members want to do in response?

Councilor Knapp asked if we have a Procurement Policy that something over \$3,000 must have bids for a position like this.



Tom Chartrand said only for the competitive positions such as the Library Director. If the custodian position is on payroll, it is a Board decision. If it's contractual, it's still a Board appointment unless it exceeds \$3,000 a year. Currently the numbers are small and don't involve the Procurement Policy.

Councilor Bailey said for this part-time custodial position it's a Board appointment.

Tom Chartrand said yes.

Councilor McConnell thinks Linda DeSaw had one concern that there was no one that the custodian reported to.

Tom Chartrand said he would report to the Town Board as it's a Town Board appointment.

Councilor McConnell would recommend the Board Member's come to the next Town Board Meeting with an opinion of whether to advertise for this position and select someone at the Organizational Meeting or to continue with it as it is and make the lines very clear.

Supervisor Scammell asked if we would do this with all the positions or just the custodial position.

Councilor McConnell said the Board could determine this.

Councilor Knapp said there is concern as there are a lot of sensitive records in the Justice Department and Town Clerk's Office which we must be aware of.

Councilor Shute said this came up in the last campaign. He feels this is looked at as someone appointing themselves rather than the Board finding someone and appointing them.

Councilor Bailey said the Board Member who is going for the position always has the option of abstaining.

Councilor McConnell said he only brought this up for the Board to consider and find a resolution of what direction to take.

Supervisor Scammell said he did abstain when the vote was taken on this.

- B. NYS ORPS (Office of Real Property Services): distribution of STAR admin aid.**
- C. Onondaga County Community Development: LaFayette Beach Park Improvements grant (not selected for funding).**
- D. The Salvation Army: Christmas Bureau 2007 – Distribution Day, 12.21.07.**
- E. U.S. Senator Charles Schumer: National Cyber Security Awareness Month – October.**
- F. NYS DEC: SPDES draft permits comments.**
- G. U.S. Senator Charles Schumer: 2008 Teaching American History Grant Program.**
- H. National Grid: pole attachments.**
- I. Association of Towns: 2008 dues, Training School & Annual Meeting.**

- J. Legionnaire: NY Cold War veterans tax break.**
- K. CNY RPDB: Phase II Stormwater Permit Renewal – Call for Action.**
- L. U.S. Senator Charles Schumer: 2008 Laura Bush 21<sup>st</sup> Century Librarian Program.**
- M. LaFayette Fire Department: resubmission of 2008 contract.**
- N. Syracuse Post-Standard, 10.19.07, B-6: “CNY Economy ‘Pretty Strong’”.**
- O. Syracuse Post-Standard, 11.16.07, B-6: “Syracuse Area Gains Jobs”.**  
Supervisor Scammell noted both articles above show unemployment is extremely low.
- P. U.S. Senator Charles Schumer: We the People Bookshelf Program.**
- Q. Town of DeWitt: Zoning and Land Use Codes Update.**
- R. Congressman Jim Walsh: Town Hall Meeting, 11.29.07 -7 PM, C. Grant Grimshaw School.**
- S. Onondaga County Health Department: LaFayette Commons water test (satisfactory).**
- T. NYS PSC: Energy Efficiency Portfolio Standard (EPS) meeting.**
- U. Invest in Kids: Build Tomorrow’s Workforce – 7<sup>th</sup> Annual Policy Breakfast.**
- V. PERMA: 2008 renewal quote.**

Tom Chartrand will take a look at this and be sure it’s in the budget specifications. He thinks you only have to do something if you change insurance companies.

Councilor Knapp asked where we are at with the Jamesville Fire District and workmen’s comp.

Councilor Shute said this will be discussed a little later in the meeting. He did receive a call from Reagan Agency discussing this.

Supervisor Scammell said Bob DeMore is looking for a letter of support regarding the new radio systems. The plan is contingent on a 65 cent per month increase in the landline telephone surcharge which will be used to support the \$18 million cost of mobile and portable radios provided to police, fire, and EMS agencies.

Councilor Bailey said this is basically a movement that will be taking place state-wide. It’s all part of the National Emergency Management System. He supports this letter.

Councilor McConnell asked about the surcharge on land lines.

Councilor Bailey said currently there is a 911 surcharge on your phone bill. This is what would be affected.

Councilor Knapp asked if he is asking for us to endorse this or does he actually want the town to send this letter.

Supervisor Scammell said the way he reads the letter, Bob wants the town to send this to all their state representatives.

Councilor Shute believes if this is a good idea, they should just pay for it out of the budget. Sneaking this into your phone bill is not a good idea. This doesn't include towers, etc. This is like importing a little bit of Albany into Onondaga County.

Councilor Knapp thinks they have already made it mandatory.

Councilor Bailey said this type of radio system will be for disaster preparedness as well as day-to-day operations. The busses, highway dept, fire dept., etc. will all be able to connect with each other on the trunk. This proposed surcharge would cover the local radio system and software and equipment required for them.

Supervisor Scammell asked for any other input or comments from the Town Board.

Councilor Knapp asked Leon Cook what he heard about the radios.

Leon said BOCES is paying for their repeater.

Councilor Knapp said this is in conjunction with the school.

Leon said BOCES is going to be out of it. Mike Bush has always taken care of the repeater for BOCES. It's in the making where Mike is going to have the repeater and everyone will have to kick in so much a month or a year for the repeater. You have to have a repeater around here because there are so many hills. We will have to own a low-band radio by 2013. The school has almost 50% of the radios working on the high-band that can be switched over to the low-band. Leon said he has picked one up. He is going to try it in his truck and see how it works. If we get 2 radios a year between now and 2013, his budget won't be hit too bad.

Councilor Bailey said before the Highway starts buying two radios a year, we need to be sure they are compatible with the radios of the future.

Leon said they are. Mike Bush is up on all of this.

Councilor Shute said the letter isn't asking us to support or not support the radios, it's asking for us to support or not support the money being taken out of our phone bills.

Councilor Knapp said his only concern is if they don't take it out of the phone bills, it might be put on the taxpayers.

Supervisor Scammell said so this would be spreading the cost out to more people.

Councilor Knapp said exactly.

Pat Zangari asked if there were terrorists, couldn't they disrupt the frequencies? No matter what you get, how do we know if it's going to work?

Leon said the new system is set up so we won't have that type of interference.

Pat asked if we will know this before we pay for them.

Leon said yes.

Councilor McConnell would support sending a letter of support for this plan.

Supervisor Scammell said he isn't sure why this is limited to just land line bills and doesn't include cell phone bills.

**Councilor's McConnell moved and Knapp seconded the motion to send a letter supporting the plan to increase the landline phone bills. Voting was as follows:**

<b>Supervisor Scammell</b>	<b>Yes</b>
<b>Councilor Knapp</b>	<b>Yes</b>
<b>Councilor Bailey</b>	<b>Yes</b>

**Councilor McConnell**                      **Yes**  
**Councilor Shute**                              **No**

**Motion carried.**

**W. Other.**

Supervisor Scammell said we have received a proposal from M & T Bank. Tom Chartrand has put together an analysis for the Board for M & T, Alliance and HSBC Banks.

Tom Chartrand reviewed his analysis sheet with the Board.

Councilor Shute asked Tom if HSBC guaranteed their rates for a year.

Tom said HSBC said rates subject to change depending on the market. Alliance said rates are guaranteed until 12/31/07 and then they will be reviewed.

Councilor Shute confirmed M & T said the same thing HSBC did that the rates would vary with the market conditions.

Councilor Knapp asked if we would gain by having the check cashing machine where checks could be deposited daily.

Councilor Bailey would think this would help the tax collector's office.

Councilor Shute thinks the letter from M & T obviously missed a couple of points the Board talked about. Richard Fults mentions enjoying services which has not been the case. We didn't receive a phone call back from any of them to try to keep our business and then to get this letter back which is pretty much a form letter doesn't really warm his heart for M & T.

Tom Chartrand said he doesn't think we would have received this letter if it weren't for having the difficulty earlier in getting the EPA funds. He had to call Richard Fults about the funds and then Richard addressed this situation with Tom. Tom informed him what was going on.

Supervisor Scammell asked if he was aware of this.

Tom said he was aware that there were some complaints about the branch but he didn't say if he knew everything. His comment was that he heard there were some problems at the branch level and the supervisor came in and talked to one of the branch members. It was a pretty quick and casual conversation.

Councilor Knapp said it's pretty dramatic as they are just about doubling our previous rates. On one hand it's nice and on the other hand it makes you feel like you were taken advantage of for several years.

Supervisor Scammell thinks he was aware of the message he gave them. We are at the 6 week mark without hearing anything from then until now.

Tom said his impression was that he really didn't know we were that serious about it.

Supervisor Scammell said he was very serious about this and to the point. He didn't address the other concerns, complaints and comments we have all shared so he couldn't have gotten too confused. If I were the branch manager and received this information, I would have communicated it clearly.

Councilor Knapp said he knew we were looking at other banks.

Supervisor Scammell said yes.

Councilor McConnell asked Tom what bank would be the safest in assessing our budget purposes.

Tom said he doesn't have a problem with either of the two banks.

Councilor McConnell said to make a change before the Organizational Meeting, the decision must be made soon.

Tom isn't sure we will be able to offer direct deposit if we go to Alliance.

Councilor McConnell confirmed HSBC does have this.

Tom said yes but it will be a little more work for Supervisor Scammell. He will have to authorize payment on line.

Councilor Knapp confirmed Fabius uses HSBC. Do they have direct deposit?

Tom said yes they do. It takes longer to do the direct deposits then to run the payroll.

Councilor McConnell would think change is good and would support HSBC.

Councilor Shute agreed.

Supervisor Scammell asked about the risk with ACH.

Tom was assured it wouldn't be a problem by both HSBC and Alliance who said they don't know how this could happen. HSBC said the transfers all happen within their own system. ACH is an outside system.

Supervisor Scammell said there are reported cases where money in ACH's hands was fudgedly removed from the system. He isn't clear himself how this happened but he was more concerned that it's not covered.

Tom said there is no ACH involved in M & T either. In Fabius they have a maximum dollar amount that can be done in any one day with ACH. We may want to do this. That would minimize the amount of money transferred by ACH. Alliance could set the same type of system up if you wanted to get rid of direct deposit.

Councilor Knapp asked if Tully uses Alliance.

Tom said yes.

Councilor Knapp asked if they have direct deposit.

Tom said no.

Councilor Bailey said if there is some illicit activities with ACH and it's not their network to protect the town, should there be some type of agreement or understanding in writing that the town wouldn't take the hit for something like this?

Tom said this could occur if you were taking funds from a savings account in one bank and moving them to a checking or savings account in another bank. Any of the transfers we are talking about would be within HSBC, Alliance or M & T. Our transfer would never hit the ACH system. HSBC said the total business stays within their system.

Councilor Shute thinks we are overstating the risk here. His company runs tens of millions of dollars every day through ACH and has never lost a cent of it.

Tom said the only other concern he has is with the people who have accounts at M & T.

Supervisor Scammell said the employees who wish to cash their check at M & T will have to open an account with them.

Councilor Knapp thinks we need to decide on a bank so Tom can get the checks, etc.

Tom said we have to establish the accounts before January 1, 2008 so there are funds on hand for payroll, etc.

Councilor Knapp asked if the Town Board could set a limit that Tom Chartrand could authorize payment up to a certain amount.

Tom said this could be done if the Town Board is comfortable with it.

Councilor Bailey thinks the check processing machine is a bonus.

Councilor Shute said HSBC has been more willing to help out local community events than M & T. Given the numbers being so close together, he thinks this could bring them over the top.

Councilor McConnell doesn't think M & T felt we were a valuable enough customer and this is a way to help with the taxes.

Supervisor Scammell asked what the Town Board needs to do next.

Tom thinks a motion that the Board's intent is to open an account at HSBC.

**Councilor's Shute moved and Bailey seconded the motion to appoint HSBC as an additional official bank for the Town of LaFayette. Motion passed unanimously.**

## 7. SPECIAL REPORTS.

- **Water survey results.**

Councilor McConnell said the water survey is completed. We used Thoma Development Consultants to do it. There were 258 surveys sent out to Hamlet residents. Out of that, 47% responded. 58% of the 47% who responded were satisfied with their current water while 65% were interested in seeking public water because of risk of their well going dry or the kind of water. 70% of the Hamlet and Hamlet North resident's desire public water.

Councilor McConnell showed some charts he had prepared for the meeting showing residents wishing public water.

Councilor McConnell said Phase I has been completed. In Phase II he would work with Peter Grevelding on a proposed district. They would look at public water and public water with public sewer as well as a water source being OCWA or a town source. They would hold a Town Meeting. They would contact the DOT regarding their schedule for work in the Hamlet.

In Phase III he would retain a grant writing consultant and seek grants. This is a timely matter. His hope is to do the bulk of the work and present the resident's with the data and have them make a decision.

In Phase IV which will probably be in 2009 an engineer would be retained to complete the design. Funding mechanisms would be secured. He would suggest contacting the DOT and stating the Town cannot accept a 2-season construction project. He is offering to write a letter for the Town Board to review about this.

Peter Grevelding is offering his engineering expertise free of charge. He would like Town Board approval to move ahead with this. He submitted the survey results to the Board. He would like to sit down with Peter Grevelding soon to start working on this.

Councilor Knapp asked if he had the negative responses to the survey too.

Councilor McConnell said yes. The comments are all in the report for the Board to review.

Councilor Shute asked if it would be better to have Peter Grevelding attend the next meeting to answer any questions the Board might have after they have had a chance to review the report.

Councilor McConnell said he is sure Peter would.

Councilor Knapp thanked Councilor McConnell for all his work on this.

Jason Allers and Jim Stoddard of Haylor, Freyer & Coon, Inc. were present to discuss the town's insurance.

Jason said he and Jim have reviewed the town's current policy. They reviewed how our buildings are being valued. The buildings seemed to have jumped quickly.

They have people on their staff who are local and they have experience with other municipalities.

Jim asked for questions regarding workmen's compensation.

Councilor Knapp thanked Councilor Shute for finding out about the possibility of us double paying for workmen's compensation for the Jamesville Fire District.

Jim said he can't say this is going on right now. There is a possibility that it is. Most workmen's compensation is based on payroll. Thus far, it appears you have the LaFayette Fire Department that protects the LaFayette residents except for a small population in Jamesville. The way that population is counted and what number is used on your declaration page greatly affects what you are being charged. If the Jamesville Fire District already pays for workers compensation, it appears the Town of LaFayette could be paying for this area too. This is his opinion. He hasn't really looked at it yet. He thinks there's that potential. Insurance companies go out and buy reinsurance to spread out the risks so they don't take it all themselves. They have differing tiers of charges based on the makeup and size of the community. The charges within a particular company for reinsurance can be different. He thinks there's fudge room there. He thinks there's points that can be negotiated.

Councilor Knapp said maybe Jamesville Fire District is including their little corner of the town in their numbers and we are including it in our numbers too.

Jim said if they even purchase it. They could be requiring all the municipalities they serve to protect them. It's not really clear. It depends on whether they buy it for the area they protect. They think PERMA is one of the better carriers for this stuff. They are actually having their customers send the notice to reserve their right in a timely basis so they have the right to change come January 1<sup>st</sup> if Jim can get better quotes. There's been no other submission or request for quotes from two other programs that have a 9.8 % or 9.9 % charge. They know this will result in a 10% advantage better than the PERMA's. They currently have two applications in for these programs. The current agent for the town doesn't appear to have applications in for these alternative programs. With their customers who are interested in looking at what the options are, they have sent out that letter to give them the freedom to change. Doing that would give the town the freedom to move without penalty.

Jason asked if the town's current agent has requested the town to send a letter like this to PERMA.

Mary Jo believes they have.

Councilor Shute asked if there is something we should be changing in our Jamesville Fire Protection Contract regarding workmen's compensation.

Jim said the Jamesville Fire Protection Contract was really clearer than the LaFayette Fire Dept. Contract.

Councilor Shute asked if there is something we should change in the LaFayette Fire Dept. Contract.

Jim said it could be made clearer. He would want to be sure if he were the LaFayette Fire Dept. that they are covered and protected.

Councilor Shute said it would be a benefit for the LaFayette Fire Dept. to spell this out in the contract.

Councilor Knapp asked if it makes a difference that they are not a municipal fire department. They are an independent fire department that we contract with.

Jim said there is something to that. He hasn't looked at it in quite some time.

Councilor Knapp said we would basically be giving PERMA notice that we may or may not be staying with them.

Jim said you are reserving your right to look elsewhere to consider other options for workmen's compensation for the 2008 year. You are reserving your right to look elsewhere.

Councilor Knapp said this would then give HF&C a chance to go out and look to see what they can find on our behalf.

Jim said if you feel the current agent has done what they are capable of doing for your renewal, you can put HF&C in a position to negotiate the renewal with them further. That is a separate conversation. They have two other markets. The numbers from PERMA will definitely change if they know the Town of LaFayette is looking.

Councilor Bailey said PERMA could come back and say they increase the premium but will decrease the benefit to the firefighter if they go outside the district.

Jim said they cannot do this as it's against the law.

Councilor Knapp said if the LFD goes to Tully under mutual aid to assist in fighting a fire and someone gets hurt. Under the mutual aid law, would the Town of LaFayette be responsible for a claim if someone were hurt or would Tully?

Jim said the important thing is the firefighter gets what he needs. He doesn't know how the law would respond or which carrier they would want to pay for the claim.

Councilor Knapp would assume the firefighter would report it through our insurance.

Jim said it would start here if this is his district.

Councilor Knapp said it would probably be up to the carriers to fight it out and see who should pay for the claim.

Councilor Shute said the situation with the LFD and JFD isn't something new. If we have been overpaying for the past couple of years, is there a way to get it back?

Jim said if the premium should have been lower, there might be a way to get the current year and one prior year reimbursement. He has been successful in the population piece in getting a refund.

Supervisor Scammell asked how he will know the population.

Jim said they were getting a guesstimated number. They would be looking to get a population number.

Councilor Knapp would recommend contacting the census bureau.

Tom Chartrand said we have an area described in the contract. The population came from years ago when PERMA came around asking for specific information.

Jim said for the town this size, you have a great Safety Committee.

Jason would recommend sending the letter certified mail.

Councilor Shute said this whole thing started because we had the assessments on the buildings jacked up. The Highway Garage was \$300,000 and went up to \$500,000. He asked why and no one had an answer for this. Wouldn't an engineer come out and look at the building and come up with a construction cost?

Jim said yes.

Councilor McConnell said he wasn't happy that our current agent used a modeling cost. The board had asked for 3 estimates which were never received.

Jim said they would have their engineer come out and look at the building and produce a proposal that shows the square footage, heat sources, etc.

Jason said their engineer has worked at this for many years and has earned professional respect.

Councilor McConnell thinks someone needs to argue on behalf of the town but not put us at risk. He would like to know if the town was to incur their services, what



would the cost to the town be for them to look at PERMA and then to look at the whole town?

Jim said they have applications going out to 3 or 4 carriers asking for quotes on the towns behalf.

Councilor McConnell asked if they can legally do this.

Jason said not with PERMA.

Jim said for property they can do this.

Jason said based on insurance and the nature of the business, there are two companies they can't approach. One is PERMA and the other is Selective Insurance. Last year when they talked to with the Town of LaFayette, they contacted some outside agencies to see if they had been contacted by your current agent and they had not.

Councilor McConnell and Councilor Knapp would be in favor of HF&C finding out what they can do.

Tom Chartrand said we had some problems with the State Insurance Fund before we went with PERMA. That is one reason we left them and went to PERMA.

Jim said they have gotten better but they have most of their business with PERMA. He has handled the LaFayette School District for many years.

Councilor Shute asked what the Town Board's responsibility is. We have until the end of the week to send a letter to PERMA reserving our rights and then basically there's a month that we have to negotiate.

Jim said at that point he would recommend the Board decide that they want HF&C to have quotes by a certain date.

Councilor McConnell would recommend to move forward and have them come back on December 10<sup>th</sup> with their quotes. He thinks we should send a letter to PERMA to leave our options open and we can make a decision on the 10<sup>th</sup>.

Jim said he can get the quotes to the Board before the 10<sup>th</sup> if the Board would like them ahead of time.

**Councilor's Knapp moved and McConnell seconded the motion authorizing the Supervisor to send a letter to PERMA and requested HF&C to have any quotes back by December 10<sup>th</sup>. Motion passed unanimously.**

- **Northeast LaFayette and Smokey Hollow Water Districts: Spring restoration contract change.**

The Board will return to this when John Dunkle arrives.

## 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) 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) Route 11 – graffiti and abandoned vehicles.
- i) LaFayette Hotel – car sales.
- j) Morezak Road – storage of construction vehicles.

Councilor Knapp asked if the May situation is complete.

Supervisor Scammell said he isn't sure.

Councilor Shute said he was just up there and couldn't see any sign of the trailer.

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

- CNY SPCA contract.

Supervisor Scammell said the Jim Moore was ill and unable to stay tonight. This will be held off until the next meeting when our Town Attorney and DCO can attend.

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

- Jerome Rockwell draft agreement.

Leon Cook said Smokey Hollow and Westshore Manor area will not have the restoration work done until next spring. He asked what if there is a drainage problem on Westshore Manor this winter. Who will be responsible to take care of it.

Supervisor Scammell asked of what type.

Leon said part of the restoration down there was cleaning the ditches. There is a spot on the county part of the project where the water is sitting on the road. He doesn't care if it's a little bit he needs to take care of but if people down there start complaining and he has to do some major things, he would give the Town Board his estimate before he went and did anything. He doesn't think anything will happen but he just wanted to make the Board aware that something could happen.

Supervisor Scammell asked if he would like to give John Dunkle a call about this. Leon thinks we should casually ask John the question.

Councilor Knapp asked if there is unseeded areas that could wash.

Leon doesn't think so. Since the last meeting they have been cutting a lot of roadside brush. They have one road left that they have to do which is down in Cardiff on Webster Road. They cut the shoulders on Orchard Land and cleaned the ditches there.

They had a drainage problem on Dodge Road. There's a driveway that goes straight up in and the water comes out of the driveway into the road. They fixed it by taking the water from the driveway to the spot where the water is drained to. He has to be careful about changing a route of water.

They have made 5 trips of plowing and sanding. Their contract for diesel ran out. He went on a new state bid. Ascent is the new state bid company. They are in Indiana. The actual delivery guy is in Parish. They are burning 5% corn oil with this new contract.

Councilor Knapp asked what the price is.

Leon said it's the state bid and he needs to find out the actual price.

Councilor Knapp asked if it's a subcontractor out of Parish.

Leon thinks they are just a broker. The price of oil and gas is going out of sight.

He went through the maintenance he has done on the trucks. The trucks were inspected by the Safety Officer.

Councilor Bailey asked about the used pickup truck he got from the Town of Geddes.

Leon said he doesn't have it yet. It's a 96 GMC. Its' got 73,000 miles on it. They say it's in good shape but he hasn't seen it yet.

Councilor Bailey asked how much.

Leon said he doesn't know yet. They said it wouldn't be that much. He has to make an appointment with the Highway Superintendent to take a look at it.

Supervisor Scammell asked how we are doing on the Rockwell agreement.

Leon said he hasn't pushed the issue and neither have they. We sent them a copy of our insurance which he hopes will take care of it.

John Dunkle arrived to talk about the water district restoration.

Leon asked him about Westshore Manor. That is the only road he is concerned about. The first part of the road is a county road and then it's a town road. There's water standing in the road on the county end now. He asked the Board earlier who would be responsible if they did get complaints down there during the winter.

John Dunkle said in his opinion Leon shouldn't have to take care of it. He would think any issues should be referred to himself and he will contact Mr. LaFleur.

Councilor Knapp said if we have a thaw in January and there's a problem, Mr. LaFleur will come fix it.

John said if it's related to their work. He will look at the situation first and be sure it's due to the contractor's work before he contacts them.

Leon said it's a situation down there where a few years ago there was a open ditch and people have put 4" and 6" pipes in. He doesn't think Ron LaFleur addressed that. He will give Ron a call.

John said Ron is more than willing to work with the town.

Leon said he has been very good. If it's just hit and miss on a spot or two, he is willing to do this but doesn't want to get into something that would be 2-3 days work.

John said he shouldn't have to. If it's something he can't resolve, he should contact John and he will look into it. We were finally able to pay the contractor and he is currently up-to-date on what he is owed. It's not appropriate to try to do the restoration now. All the residents are getting their taps. We are going to hold off on final restoration until spring. In a way this is better for all of us as we can find problems out over the winter and he thinks we will end up with a better project at no additional cost to us. He would ask the Board to extend the contract until the first of June.

Councilor Knapp asked how much we still owe him.

John submitted an updated budget to the Board. He reviewed the budget.

Councilor Shute asked how the taps are going.

John said he still sees several untapped services. He would suggest that we think about doing another official notice. He sees quite a bit of activity down there from plumbers.

Leon asked when the deadline is for them to have this done.

John said they must be hooked up by the end of the year.

Leon confirmed East Syracuse is shutting off the water January 1.

Supervisor Scammell said that is what they say.

**Councilor's Knapp moved and Shute seconded the motion to authorize the Supervisor to sign the paperwork extending the contract for 360 days. Motion passed unanimously.**

John Dunkle said there are revised SPDES regulations that are coming out in January. Right now we are in a comment period for the regulations. He has drafted his

comments. He did this on his own and it's not on the towns time. He has a lot of concern about this program. He will forward the Board a copy of his letter that he will be sending to the DEC and he said the Board can take any of his comments or add their own to send to the DEC in hopes of making a better program.

Councilor McConnell said he spoke to the Board earlier about his concerns on this. He will also be sending a letter.

John thinks the more comments that come from different folks the more beneficial it will be.

- 5) **Justice Court:** Malcolm Knapp & Maureen Perrin.
  - Unified Court System 06.13.07 request (January, '08 review): town letter to NYS Office of Court Administration.
  - October report submitted.
- 6) **Library Director:** Scott Kushner.
  - September Report submitted.
- 7) **Recreation Director:** Regina Reinschmidt.
  - Monthly report.
- 8) **Tax Collector:** Teresa Mech.
- 9) **Town Clerk:** Mary Jo Kelly.  
October report was submitted.
- 10) **Town Supervisor:** Greg Scammell.
  - Sky Heights subdivision - Tully.
  - Monthly report submitted.

Tom Chartrand said the monthly payroll for December for the General Fund falls on 12/27 which is after Christmas. In years past, we have moved it to the third Thursday which would require a motion if the Town Board would like to do it.

**Councilor's McConnell moved and Knapp seconded the motion to move the payroll from 12/27/07 to 12/20/07. Motion passed unanimously.**

Tom Chartrand said there are 27 bi-weekly payrolls for 2008 so salary people who are paid bi-weekly are most likely to see a decrease in their bi-weekly paycheck.

## **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).
- Thoma/Comprehensive Plan proposal.
- 4) **Emergency Response** (Tom Bailey, Bill McConnell, “Pete” Paul).
- a) Onondaga County Department of Communications - OCICS.
- b) NIMS training (TB members, etc.).
- c) AED’s & training for town offices, library & Onondaga County Soil & Water.  
 Councilor Bailey said this can be removed from the agenda as they are physically in.
- d) Pets Evacuation & Transportation Standards Act of 2006.
- e) NIMS workshop.  
 Councilor Bailey said this can be removed from the agenda.
- f) 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.”
- g) Contact Greg Hoxie, AEDs.  
 Councilor Bailey said this can be removed from the agenda as they are physically in.
- h) Mass shelter response.
- 5) **Employee Policies & Benefits** (Mary Jo Kelly, Adrian Shute & Mary Doster).
- NYS Deferred Employee Compensation Plan (have Tom C evaluate?).  
 Tom Chartrand said we had a couple of meetings on this and no one was interested.  
 Councilor Shute said this was awhile ago. They sent us another packet.  
 Mary Jo said it was decided in a previous meeting to send out a letter in January.  
 Tom said last time one person came to find out about it.  
 Councilor Shute said maybe it’s the Board’s responsibility to just let everyone know the information is available if someone wants to petition the Board to join the NYS Deferred Employee Compensation Plan.  
 Mary Jo will send a letter out to the employees advising them the information is available in her office and to please respond by December 31<sup>st</sup> if they wish to review the information.

- Up to date posters (minimum wage, etc.)  
Councilor Shute said this can be removed from the agenda as we had a safety inspection and are all set on these.
- 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 Storrier/DK).  
Councilor Knapp said both of the above two items we were waiting to see where we were at with the budget.  
Tom Chartrand said we are in very good shape on the buildings account.  
Councilor Knapp will look into these items.
    - c) Town offices - thermostats (DK).  
Councilor Knapp said this can be removed from the agenda as it is actually included in item a above.
    - d) Town offices - Loose clapboards.  
Councilor Knapp has a contractor who will be giving us a price for new clapboards. We haven’t had a problem in a long time so he hopes since we have the heat tape plugged in we won’t have a problem over the winter.
    - e) Stafford Park – carry in, carry out signs?  
Councilor Knapp said Community Council is looking at putting up some new signs at the entrances for identifying the fields. They are doing them on a similar design as the “Welcome to LaFayette” signs. He is contemplating having some signs under this highlighting carry-in, carry-out.
    - f) Community Center – handrail and porch steps.  
The handrail has been completed and the porch steps just need to be painted.
    - g) Additional deputy?  
This can be removed from the agenda as the person the Board was considering didn’t wish to take the position at the salary it offered.
  - 9) **Recreation & Youth** (Dave Knapp, Adrian Shute, Regina Reinschmidt).
    - a) Marion Bailey Park.

Councilman McConnell said he sent out the report to Central New York Community Foundation along with pictures and a thank you for the funding for the trees at Bailey Park.

1. Short term.

- Park signs “children playing” - 76%.

Councilor McConnell said he discussed this with Leon Cook. Leon said he can put them up. Councilor McConnell has to talk to Dave Anthony about where to put them.

- Basketball court improvement (new nets, paint backboards, straighten basketball pole, remove old volleyball pole) - 73%.

Councilor McConnell is going to look at this and get some prices and try to get grant money for it.

2. Long term.

- Resurface basketball court.
- Add fencing (north side) to protect children from ditch & road.
- Speed limit reduction to 30 mph.

Supervisor Scammell said in the past what has worked is people providing a petition and we submit it to the D.O.T.

Councilor McConnell will get them a copy of a past petition and see what they can do.

- Traffic flow control (light, sign, 4way stop @ 11A & Rowland). Councilor Knapp said this could be included in the above petition.

Supervisor Scammell asked if we need to have a driveway.

Councilor McConnell thinks it's graded enough so it's just a matter of having some gravel put there and probably a sign.

Supervisor Scammell said this is on a state road.

Councilor Knapp said they can get with Leon Cook and he can tell them what needs to be done.

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).

Councilor Knapp said all of the above items can be covered under the grant application to Community Development that we will be submitting.

c) Fred Stafford/Optimists Park.

1. Lacrosse facility – estimates (\$5K – materials only), (re)location possibilities.

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

Councilor Knapp said at this point he thinks this item can be removed from the agenda. He doesn't see us getting any money for this immediately.

2. Benches (Optimist Club).

Councilor Knapp said the benches are in and set up so this can be removed from the agenda.

3. Park entrance signs (consolidate)

Councilor Knapp said we are going to consolidate these with Community Council.

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

a) Smoke detector batteries – change at DST/EST time changes (2x/year).  
Councilor Shute said this can be removed from the agenda.

b) NYS Workplace Violence Prevention Law (NYS boilerplate & DVD).  
Councilor Shute said the state hasn't come out with a boiler plate for this yet.

c) Snowblower (electric?) evaluation.  
Councilor Shute said this can be removed from the agenda.

d) Light (emergency) on north exit.  
Councilor Shute said this is completed and can be removed from the agenda.

e) Community Center Inspection list, 06.29.07.  
Councilor Shute said this is done and can be removed.

f) PESH inspection.  
Councilor Shute asked if we have heard from them.  
Mary Jo said no.  
Councilor Shute said we have 30 days from the date the report is received to fix any of the items listed.

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

Councilor McConnell said he will be meeting with them next week.  
Councilor Shute has said he would like to help with this committee.



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

Supervisor Scammell said the newest concept is that communities try to allow people to stay in their homes as long as they can. There are various agencies to help with this.

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

- BPA.

Councilor McConnell said they were supposed to meet last week but didn't. Everything should remain the same this year and in March we should start working online. They like to bill quarterly. If we prefer to pay it all at once, we can tell them we want to do that.

Tom Chartrand said that is just for their service fee. He would rather write one check.

Councilor McConnell will talk to them about this. He asked if this was sent to us in the beginning of the year.

Tom said he doesn't care if they choose to be paid quarterly. If they want to bill us 4 times a year as long as it's by voucher, he's O.K. with it.

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

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

Councilor Knapp said the rates will be staying the same for 2008 so the mailing is not necessary and can be removed from the agenda.

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

- Stormwater Management – appoint SMO.

Councilor McConnell said in our new law it says the Stormwater Management Officer (SMO) can be the town engineer, an employee or other public official. He feels it should be an elected official to oversee it but he doesn't see ever sending any of them to classes to do the inspections.

**Councilor's Knapp moved and Shute seconded the motion to appoint Councilor McConnell as the Stormwater Management Officer. Motion passed unanimously.**

Councilor Knapp asked if there is any other items we need to do that are time sensitive for this.

Councilor McConnell said yes. There are some things listed in response to our previously submitted report. When people replace septic tanks, they should call the County Health Dept. to come look at them and the Health Dept. will map out the tanks so if someone purchases the home, they will know where the septic tank is. There is a 20 year life expectancy for a 20 gallon metal tank and a 30 year life expectancy for a concrete tank.

**Councilor McConnell moved and Supervisor Scammell seconded the motion to appoint Councilor Knapp as Assistant Stormwater Management Officer. Motion passed unanimously.**

16) **Water** (Greg Scammell & "Pete" Paul).

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

- Construction completion.
- Spring restoration change order.

- b) Hamlet drainage study – request submitted to NYS DOT, intersection of Routes 11 & 20 to be reconstructed in 2010-11.  
It was noted this can be removed from the agenda.

17) **Zoning Review** (Mary Jo Kelly, Ralph Lamson & Greg Scammell).

- a) Jamesville Reservoir Preservation District/JRPA change.  
This can be removed until we hear from them again.

- b) SOCPA subdivision guidelines to distribute to local subdivision applicants.

Supervisor Scammell said he ran across some SOCPA subdivision guidelines. He will give a copy to the Board to see if they should be given out with the subdivision application.

- c) Digitized zoning map, correction & amendments.

Supervisor Scammell said this is a substantial amount of clerical work. We have an old zoning map which has been around for quite awhile. We also have an old electronic file containing all of the properties. The deal is that you take all the properties in the town and enter them in by the zoning code. You provide this to SOCPA and they will provide you with a map that is color coded which can be easily updated. He thinks this is something that is worthwhile for us to pursue.

Steve Beggs thinks it would be good if the tax map numbers were shown for the parcels as well as the zoning.

Supervisor Scammell said a digitized map shows the individual parcel.

- d) Streamlining of similar uses, controlled site approvals and specific permits.

The Board will review this.

Supervisor Scammell will ask Kevin Gilligan if a public hearing will be required.

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

A. Onondaga Nation Land/Land Rights Claim.

1. Purchase of property in Town of LaFayette.

Councilor McConnell met with Joe Heath and Ms. Thayne to discuss the land purchase and what the intent for using it is. It was a great meeting. Mr. Heath said that Mr. Jim Davidson approached the Onondaga Nation at a Longhouse Meeting to see about selling the land to them. They did not approach him. They purchased it as a buffer around the Nation to protect nature. They don't intend to mine it. They don't intend to build on it or anything at this time. He will get back to Councilor McConnell about people using the existing trails.

They are interested in SPDES regarding Hemlock Creek and how Butternut Creek feeds into it. There was a health incident at Willowood this

summer regarding the septic system being inadequate. The Health Dept. said the distribution box was inadequate and had to be redirected and rebuilt.

Supervisor Scammell said the resident's from Willowood got together to discuss the problem. They all said they were going to meet again. He spoke to the DEC and Health Dept. about this. The DEC and Health Dept. both assured him they had jurisdiction over this and had contacted the owner and were working on a solution. The resident's never met again. To his knowledge the resident's don't feel as energized about the situation any more.

1. Syracuse Post-Standard, 10.11.07, B-5, "Onondaga Land Claim Goes to Court."

It was noted # 1 and # 2 can be removed from the agenda.

**B. William May mobile home on Jamesville Reservoir.**

1. County court rules in town's favor.
2. NYS Supreme Court rules in town's favor.
3. Order and judgment favoring town.
4. Appellate Division affirms decision in town's favor.
5. Structure removed?
6. Case complete – decided in town's favor and enacted in resident's best interests.

William May is completed and can be removed in entirety from the agenda.

**C. Springhill Farms.**

This item is still pending.

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

**A. Community Development Grant app.**

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

Supervisor Scammell would guess that this is done.

- 2) 2007 Park Designs (Bailey Park, LaFayette Beach & Stafford Park). Rejected.

Councilor Knapp said this can be removed.

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

➤ Bailey Park.

➤ LaFayette Beach.

➤ Stafford Park.

➤ Community Development income survey map (BM).

Councilor McConnell said this can be removed.

Councilor Knapp thinks we should see who is going to help us write the grants for these projects.

Councilor McConnell said Ms. Thau works at Community Development.

Councilor Shute thinks we should use someone who works there.  
Supervisor Scammell will replace this with identify project and grant writer.

- B. **Town Landfill** – vehicle extraction practice site (LFD research w.NYS DEC).  
Supervisor Scammell hasn't heard any more from the LFD on this.  
Councilor Knapp would think this could be removed.

C. **Moses DeWitt Cemetery (AS).**

Councilor Shute said Mary Jo gave him information on this. He has been talking to a couple of private groups around town about getting this cleaned up. He thinks this can be removed.

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

E. **For TB review.**

- 1) GBoR member: tbd , 01/01/07 – 09/30/08 (replacing John Aiken's term).
- 2) GBoR member: tbd, mm/dd/yy – mm/dd/yy (replacing Shawn Adam).
- 3) Environmental and Conservation Advisory Board: replacing Wolfe Garritano's position.

11. **NEW BUSINESS.**

A. **Rx zoning classification.**

- o Restrictive covenants or homeowners associations.

Supervisor Scammell said we have discussed this quite a bit in the past.

Councilor Knapp thinks this needs to stay on the agenda. You might be able to move it to zoning as opposed to keeping it under new business.

Councilor McConnell said if you take the concept of the Comprehensive Plan which there are two grants out there for, you would put that issue into it then it becomes an unbiased group of individuals on the steering group to get this process going.

Councilor Shute agrees. He doesn't think you can take this up without looking at the whole town.

Councilor McConnell will have something at the December 10<sup>th</sup> meeting on this.

The restrictive covenants and homeowners association above can be removed.

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

Councilor McConnell said he is going through his checklist of discussions, research, etc. and he would hope by December 10 he would have an opinion on this.

C. **Alliance & HSBC banking proposals.**

This can be removed from the agenda.

D. **Insurance question – Jamesville Fire Department (AS).**

This was discussed earlier.

Supervisor Scammell said we still aren't sure about the population and payment of workmen's compensation.

**E. Xerox Service Agreement.**

Supervisor Scammell asked if anyone wanted to research this. No one did and the agreement will be automatically renewed. It will be removed from the agenda.

**F. Bill Moench’s donation of “Don’t Tread on Me” flag.**

Supervisor Scammell said the flag is in the back of the Meeting Room now.

Councilor McConnell said he is all for displaying it with something stating what it is about and why it’s there. He will do something up if the Board would like him to.

The Board was in favor of this.

Supervisor Scammell gave the history of the flag which originated when the county wanted to put a landfill in the Town of LaFayette.

Councilor McConnell will contact Bill Moench about this.

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

Councilor Shute said a week from tonight at 7 p.m. at Orchard Valley the Chamber of Commerce will be hosting a multi-town event. It will be for people in surrounding towns as well as LaFayette so they can get to know each other. Everyone is invited.

Councilor Bailey noted the Tree Lighting will be December 2nd at 4:00 p.m. at Maher Plaza.

Councilor Knapp said the Optimist Club met Sunday and put the lights up. They put together a new Nativity scene too.

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

**Councilor’s Knapp moved and Shute seconded the motion for the Town Board to go into Executive Session to discuss a possible litigation matter. Motion passed unanimously.**

The Town Board went into Executive Session at 10:26 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 11:06 p.m.

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

<b>HIGHWAY FUND</b>	<b>#6768 - 6789</b>
<b>GENERAL FUND</b>	<b>#8790 – 8826</b>
<b>TRUST &amp; AGENCY FUND</b>	<b>#8827 - 8829</b>

**Motion passed unanimously.**

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

The Meeting adjourned at 11:12 p.m.

Respectfully submitted,  
Mary Jo Kelly  
Town Clerk  
**Adopted 12/10/07**