

Minutes of the Town Board Meeting held by the LaFayette Town Board on December 10, 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 (Arrived 6:35 p.m.)

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent  
Tom Chartrand, Bookkeeper  
Peter Grevelding  
Jason Allers, HF&C  
Stephen Beggs, ZBA  
Jim Stoddard, HF&C  
Jim Moore, DCO  
Douglas Scholes, Dep. DCO  
Tom Reiley, Reagan Agency  
Ralph Lamson, CEO  
Bruce Donohue

1. Supervisor Scammell called the meeting to order at 6:30 p.m.
2. Roll call taken. Councilor Shute absent. All else present.
3. Pledge to our U. S. Flag. Town Councilor Bill McConnell.
4. **Councilor's Knapp moved and Bailey seconded the motion to accept the November 26, 2007 Town Board Meeting Minutes as submitted by the Town Clerk. Motion passed unanimously.**
5. **PUBLIC HEARINGS.** None.
6. **COMMUNICATIONS.**

**A. RESIDENTS.**

Pete Grevelding said he was here because Councilor McConnell asked him to get involved by volunteering his time on the water district. They did a study in 1992 and came up with some recommendations. He has gone through those recommendations and feels they are pretty accurate. He applauds that we have done a new survey and he still believes the town should go with sewer and water. When we looked at treatment facilities before, we needed a receptor screen. They are now looking at wetlands for this. He thought we could check into this and see how it's working. He believes the cost would be less for this. He thinks the option is there right behind the Town Office

Building. The issue of failure of septic systems is something that is on all of us. We are all on septic systems. The failure of a septic system in the Hamlet or on a small parcel is much harder to replace. He thinks the town should be looking at the combination of water and sewer while the DOT is tearing up the road. We have to take advantage of the opportunity that Councilor McConnell is trying to work on. It would cost much more to put the laterals in if the DOT weren't tearing up the roads.

Councilor Shute arrived 6:35 p.m.

Pete said he and Councilor McConnell can relatively easily come up with some ballpark prices. The real key is to find a good grant writer to go out and get the grants or low interest loans.

Councilor Knapp asked what the water source was in the 1992 study.

Pete said they looked at hooking into the Sentinel Heights water tank which turned out to be the best alternative. The problem is the cost was prohibitive as you are bringing the pipe all the way down until you hit the Hamlet which would be expensive. They also checked into the aquifer where East Syracuse was getting water which they have since decided not to use anymore. He has talked to Bill Kappel who said both valleys on each side of the Hamlet are sketchy. He said the hill heading west on Route 20 seems to have the most amount of water. He talked with OCWA about any improvements they have made since 1992 and they really haven't done anything south. If you are going from Sentinel Heights, you would need pumping tanks and distribution lines.

Councilor McConnell said they are looking at developing our own water source in LaFayette as other small towns are doing.

Councilor Knapp asked where Tully gets their water from.

Pete said they are in a valley. Here we are more into sulfur water.

Councilor Knapp asked if they do their municipal service off a well.

Councilor McConnell said there are a couple of wells. They pump on certain days off one well and certain days off the other one.

Councilor Knapp asked if there would be any chance on hooking up to the Onondaga Nation water line as it comes up almost to McClary Road.

Supervisor Scammell said their water is off one of the hillsides.

Pete said if they are going to make revenue off of it maybe they would be interested. The Rural Water Association helps with aquifer analysis. If you are putting in your own wells, it's kind of a crapshoot. If you don't find an adequate well, the money is gone.

Councilor Shute said if we get the water from Sentinel Heights and we need another tank, would we still have to test it at our end?

Pete said no. OCWA would take over the transmission line, distribution facilities, pump and tank for a fee.

Councilor Shute asked if they would take care of the billing too.

Pete said yes.

Councilor Shute said it could be some long-term savings.

Pete said if you had your own source, you could possibly outsource your billing.

Councilor McConnell asked if it would be best to connect to an existing source or to find a source.

Pete said if you could find a close source, it would make a difference. Again, it's a crapshoot. The key items he sees are trying to get Rural Water to look for sources and to get a good grant writer to go and get an idea of how much money we can get.

Councilor McConnell said he and Pete met last week and he spoke to Thoma Consultants about this. This is their main thing for grant writing. They would be willing to go on board and do work for this.

Councilor Shute asked if Pete had worked with Thoma before.

Pete said no. Typically the good grant writer comes from the agency they are going after funding through. They know the people. He doesn't think he could recommend an engineering firm in town that is a good grant writer.

Councilor Shute asked if he had ever had experience working with the D.O.T. like what we are talking about here.

Pete said yes. We will need an advocate, someone that might be able to help us out with them.

Councilor Knapp asked if he is talking about an on-the-ground advocate or like Senator DeFrancisco.

Pete believes we will need a combination of both. He thinks we need someone within the D.O.T. that we can get information from and if we can't get the information we need, then we need to contact Senator DeFrancisco. He recommends getting the D.O.T. involved early and involved with the planning process.

Councilor Bailey asked if the Sentinel Heights system has the capacity to serve the Hamlet of LaFayette.

Pete said yes. You are really just draining their tank more often. There's plenty of capacity there.

Councilor Bailey asked with the routing of such a system, would it be feasible to consider Bull Hill to McClary and then down Route 11?

Pete said that is a possibility. There might be a sight on Bull Hill for a tank.

Councilor Shute asked about the availability for funding for water and for sewer.

Pete said answers in the 1992 survey and answers from the current survey show concern about sewer. If you put in water lines, people tend to use more water which overtaxes the sewer lines which is why he thinks it would be prudent to look at them both now when the D.O.T. is going to be doing the roadwork. He thinks you might be able to get more funding too.

Councilor Shute thinks the businesses seem to be more concerned about the septic too.

Pete said we have to parley the income levels and the failing septic systems.

Councilor McConnell said in the 1992 study, Jim Butkus went door-to-door to inquire about the septic systems so that data is available and you can add 18 years to it.

Councilor Bailey asked with the new creation of green technology, is there anything associated with green technology regarding water or sewer systems?

Pete said there are methods of waste water treatment. If you had your own system, you would be looking at water treatment. If you tap into OCWA, it's treated. Because there is enough slope, you aren't going to be looking at stagnant water.

The Board thanked Pete for his work on this.

#### **B. NYS PSC: "Rise to the energy challenge."**

Supervisor Scammell asked if the Board wants to take this on.

Councilor Knapp said it's something that could be looked at.

Supervisor Scammell said this might mean there will be some state money that could flow into this. He thinks it's a good goal.

Councilor Knapp said it couldn't hurt.

Councilor Bailey said when Niagara Mohawk came through and installed the gas line, is there any information on who signed on for customers and the usage?

Supervisor Scammell said he hasn't seen anything and isn't sure what they have on this.

Councilor Knapp said he and Councilor McConnell as part of the Physical Plant Committee will take a look at this and see what they can come up with.

**C. NYS DOT: Safe Routes to School Program.**

**D. NYS Department of Labor: PESH inspection.**

Councilor Shute said most of the stuff is electrical. Some outlets need to be installed and the copy machine has to be relocated.

Supervisor Scammell said another alternative would be to move it into the lunchroom.

Councilor Shute asked the Board if they want to have Fred Groth come and fix what needs to be fixed.

Councilor Knapp will call him if the Board would like him to and give him a copy of what needs to be done so he can give us an estimate.

The Board was in support of this.

**E. Tennessee Gas Pipeline: Emergency Personnel List.**

Councilor Bailey said he will be sure the LFD has a copy of this.

**F. Assessor Mary Doster: Resignation letter.**

**G. Upstate Temperature Control: 2008 Mechanical Service Contract.**

Supervisor Scammell said this is a contract regarding the heat pumps.

**Councilor's Knapp moved and McConnell seconded the motion authorizing the supervisor to sign the service contract with Upstate Temperature Control for 2008. Motion passed unanimously.**

**H. Other.**

Supervisor Scammell said Maureen Perrin and Eva Palmer request to attend the Annual Association of Towns School in New York City and request \$700 for expenses.

**Councilor's Shute moved and Knapp seconded the motion to approve \$700 for expenses for Maureen Perrin and Eva Palmer to attend the Annual Association of Towns School in New York City. Motion passed unanimously.**

Councilor Bailey said if the Board would like to consider sending an Assessor to the school in his place that would be fine with him.

**Councilor's Knapp moved and Bailey seconded the motion to accept Mary Doster's resignation from the Assessor position to be effective January 1, 2008. Motion passed unanimously.**

**7. SPECIAL REPORTS.**

• **Reagan Insurance Agency – Tom Reiley.**

Tom Reiley was present. He said he has reviewed the Jamesville Fire District Contract and he would like to make a couple of suggestions. In paragraph 7 where it

states the insurance requirements for the Jamesville Fire District, he would suggest that we are asking for reasonable limits on general liability and we really should have a requirement for an umbrella policy. He submitted an example of what should be used regarding insurance requirements for the town.

Councilor Knapp asked if this is like the one that we use for contractors.

Kevin Gilligan reviewed the template. He said it's similar to the Incidental Contract he put together. We would not use the Accord Certificate due to the statements contained in it, i.e. "for informational purposes only".

Tom Reiley said he doesn't have a problem with changing the wording on the certificate.

Kevin said the limits are a little higher.

Tom said it's a million dollar umbrella.

Kevin said on workers compensation, we require the state form. Basically they are suggesting we request higher limits than what we have been requiring.

Tom said his suggestion would be to at least think about it. In paragraph 8 he thought it sounded like we are assuming some responsibility for the Jamesville Fire District on the workers compensation side.

Kevin asked if we do any workers compensation for Jamesville.

Tom said no. They have to provide their own and we have to provide our own.

Councilor Knapp asked if our current compensation policy covers them. If they are not in the northern end of our town, does their policy cover them or does ours?

Tom said theirs does. Under mutual aid, it would be different. The only time LaFayette's compensation policy should be for someone else is if we have someone visiting our town and they take care of someone in an emergency situation. Under a good-will type of situation, the insurance could cover them. They would have to be a firemen or emergency worker from some other area.

Kevin thinks the way this is set up is that we are providing workers compensation. The language in this is exactly the same as in the LaFayette Fire Department Contract.

Supervisor Scammell doesn't think we have ever discussed this with the Jamesville Fire District.

Councilor Shute said it is based on population. At some point years ago we must have decided to pay this.

Kevin said if it was based on population, you would take the population of the portion of the town that is being serviced by Jamesville.

Tom said Councilor Shute found out about the possibility of overpaying on the current policy as they are under contract. That will reduce the workers compensation premium because someone else is taking care of it. Jamesville Fire District should be notifying their carrier of the coverage in LaFayette.

Councilor Knapp said we have been overpaying this then.

Tom said yes.

Kevin isn't sure this is their understanding.

Councilor Knapp thinks this needs to be communicated to the Jamesville Fire District.

Kevin thinks everyone agrees that only one person should be paying for workers compensation. He thinks according to the contract, Jamesville Fire District would think the Town of LaFayette is paying for them for protection for that portion of LaFayette.

Councilor Knapp thinks it needs to be communicated to them that we aren't any more.

Supervisor Scammell doesn't recall updating the contract as long as he has been in office.

Tom said he talked to his PERMA underwriter and if he can get a copy of the 2006 contract, they are willing to go back that far for reimbursement.

Kevin said the company is now saying to take out paragraph 8. He will have to look at Section 205 of the General Municipal Law to be sure we can remove it and we need to be sure we are coordinating this with Jamesville. They would have to agree not to have this in the contract any more.

Councilor Bailey said from an accounting principal, we can't assume Jamesville Fire District is paying for their insurance from any line item on their budget. The \$41,000 is for contract of services to respond in the Town of LaFayette. We don't see anything as far as line items.

Tom said the Town of LaFayette's loss rates is better than average. He explained an additional endorsement they will add to the town policy for free. It increases the coverage for the named insured. \$39,600 is the renewal quote from PERMA. He also has a proposal from the State Insurance Fund.

Councilor Knapp asked about Safety Group 497. Is this in addition to PERMA?

Tom said yes. There are good and bad in both of them. The good thing with PERMA is it's a little less money and the service has been good. With the State Insurance Fund proposal, there is an expiration date of July 1<sup>st</sup>. They do this so they can gauge if they have been profitable and if they are going to award dividends.

Councilor Shute thinks Tom Chartrand had some concerns about the New York State Insurance Fund.

Tom said he is probably referring to the fact that PERMA tends to be a little more flexible in classifications.

Councilor Knapp asked when we have to decide this.

Tom said if the Town moves to the Safety Group, he would like to get the paperwork out a week in advance. He would like a decision made within 10 days. It has to be in their office prior to January 1, 2008. If it's not done in time, you are subject to fines.

Councilor Shute said at the last meeting we asked Jason Allers and Jim Stoddard to come back from HF&C.

Jim said they went to a couple of state funding programs for workers compensation. Regarding the interpretation of the Jamesville Fire District Contract, there is some potential for what the liability is. As Tom Reiley pointed out, the Jamesville Fire District should be taking care of themselves and that section of the contract should be taken out. If you use the formula that PERMA uses, this would reduce the premium by about \$6,000. He doesn't know how many years this has been going on like this. He would believe it's possibly gone on a few more years beyond the current one.

Councilor Shute said regarding the State Insurance group, if someone from the Jamesville Fire District comes into LaFayette and gets hurt and tries to submit a claim to the LaFayette Office, we won't be paying it.

Tom said it comes from the home base.

Councilor Knapp asked if we know Jamesville Fire District is underpaying or we are paying what they should be for workers compensation.

Kevin said we don't know what the facts are now.

Jim said he thinks the interpretation of paragraph 8 needs to be the same on both sides.

Tom said you are responsible for paying workers compensation for the town employees.

Kevin asked who the town employees are.

Tom said the LaFayette Fire Department and the town employees. It's New York State Law.

Kevin asked why we are not responsible for the Jamesville Fire District.

Jim said we are not their home base. He would be interested to know what Jamesville does with their coverage with their home base.

Councilor Bailey said there is no Town of Jamesville.

Kevin asked if their workers compensation is covered by the Town of DeWitt, wouldn't the residents be upset that they are paying coverage for the District to operate in the Town of LaFayette?

Jim said yes, you could be right.

Councilor Knapp asked if this means the 309 homes in the north end of LaFayette would be added to the DeWitt bill.

Jim said they could already be paying for it. If they don't pick it up at audit, it might never be found.

Councilor Knapp asked what if there is an accident.

Jim said they would still be covered.

Councilor Shute said he isn't sure it's the towns responsibility to be checking on insurance coverage for the insurance company.

Leon Cook said back in the early 70's when he was Fire Chief in the LaFayette Fire Department, the LaFayette Fire Department contracted with the Jamesville Fire District. They had their own insurance. The LaFayette Fire Department never covered them on insurance.

Jim said they could be paying for their own.

Leon said they were back then.

Jim said and we could be paying for the residents that are there.

Councilor Shute said maybe a one-on-one sit down with someone from the Jamesville Fire District would help.

Ralph Lamson asked if the town couldn't just ask for a copy of their insurance policy.

Jim said if the carrier isn't charging them enough money, it's not the towns concern.

Kevin will check into Section 205 of the Municipal Law and if it's O.K., we can knock out paragraph 8 and then see where the Jamesville Fire District goes from there.

Councilor Shute said Pete Paul gave him the name of the person to contact from the Jamesville Fire District and if the Board is O.K. with it, he will contact him.

The Board said it was fine with them.

Jim said there was a quote of \$1,154 on the PERMA renewal which was an underwriting adjustment. There is a questionnaire that if answered satisfactorily, could eliminate this charge. With the completion of this form, that charge could go away. They have successfully used this with a number of other towns to negotiate the charges.

Councilor Knapp asked what if all the answers aren't exactly what they are looking for?

Jim said that charge could remain the same. He said they are asking to become the towns agent and offer their expertise. They are looking to be in place so they can continue to see how much further they can reduce the cost to the town.

Councilor McConnell said generally he doesn't think it's formality to pit two groups against each other. He appreciates their professionalism and the awkwardness of the situation. He thinks the Board is under the pressure of time to make a decision on the PERMA matter. He asked if the Board should hold a meeting next week to make a decision after reviewing the information submitted tonight.

Jim said the Board doesn't have to have a special meeting for this. They can be asked to leave and the Board can discuss this and make a decision.

Councilor McConnell said he thinks the town has to be aggressive in searching for efficiencies to lower taxes. He would like to search for ways to lower our premium and still maintain the coverage.

Jim said the Board needs to decide who's in the best position to go forward and find more ways of saving the taxpayers money. After seeing what HF&C has brought forth already we are asking to be your broker.

The Board will discuss this further later in the meeting after Tom Chartrand arrives.

Bruce Donohue was present to discuss his property. Basically he wanted to follow up on his request regarding his property on the west side of Route 81 to change it to Commercial zoning from Hamlet.

Councilor Knapp said he and Bruce talked a little bit earlier today. He has talked to Kevin Gilligan about something that might work which is the possibility of removing the parcel from the Hamlet creating an open status and not changing it immediately to Commercial. That would give Bruce the flexibility he's looking for outside the Hamlet and it would retain a measure of control. If he had a specific proposal, he could come back before the Board and see if they wished to change it to commercial.

Kevin Gilligan said the concept they had discussed today is something called a floating zone. You could call it a Planned Commercial District. You would list the types of uses that would be allowed and some firm parameters of density, etc. and you would have a certain acreage requirement. It's a concept used all over New York State and Central New York. It's a way of keeping some control over uses you are concerned about and at the same time affording some creativity.

Councilor Knapp confirmed the authority stays with the Town Board.

Kevin said yes. You would probably make a referral to the Planning Board for their input. The ultimate decision would be with the Town Board. He can pull some samples of floating zones and send them to the Town Board to take a look at.

Supervisor Scammell said that would help him.

Kevin said the benefit of it is that it allows the legislative body to know what is going on there.

Councilor McConnell said the ultimate decision would be by the Town Board. You would have other expertise involved in making this decision.

Ralph Lamson asked more about the floating district.

Kevin said you would design the area you want the floating district to be over.

Councilor Knapp asked in the legislation if we can specify certain parcels.

Kevin said no. You would say any property currently zoned Commercial or Hamlet or whatever you decide, that has a certain amount of acreage can apply to the Town Board.

Councilor Bailey asked if this type of floating zone concept prevents the owner from selling to another buyer who might want to do something different.

Kevin said the zone change is tied into the plan presented to the Town Board by covenants. If you change the plan, you would have to come back to the Town Board.

Councilor Shute asked if by creating the plan up front you would be handcuffing yourself as to what you can bring to the property.

Kevin asked if the property would be under one ownership.

Bruce said he could be looking at a 20-year sell-out. He could sell off parcels to people who fit the concept. The concept includes a grocery store, drug store, bank, gas station, office space, retail space, etc.

Councilor Shute said if it got rezoned Commercial and Bruce sells a parcel of land to someone else, there's nothing to keep them from expanding their business.

Bruce said trying to keep it simple, he would like a yes or no to changing the parcel to Commercial. He thinks it should be on the same par as any commercial property within the town. This land could develop to be a good economic generator to the town. He is trying to create a core for this town that we can be proud of.

Councilor McConnell hears that Bruce is not interested in entertaining what Kevin and Councilor Knapp are talking about.

Bruce would approach it from the point of view of what a Commercial District is. He thinks the uses he is looking at would fall under his original request to convert the property to a Commercial District. He is open to a degree but when he looks at the uses you cannot have, maybe you need to design what a shopping center is. Maybe you need to say Commercial Districts do not include a truck stop. It's been years that we have talked about updating zoning and it hasn't happened.

Councilor McConnell appreciates the design and work that Bruce has put into this. As far as traffic if this were to go to Commercial or open zoning, that parcel could eliminate traffic from going to the village if you are going for fuel, etc. He thinks the Planning Board's incite into water and septic is their job. He would like to see this land developed in some fashion. He doesn't think the traffic densities pertain exactly to this site. There is merit for Bruce's concept and he supports this. He supports the concept but would like some oversight too. If the Board chose the open zoning, he would hope Bruce could work with this.

Bruce said he hasn't really had time to think about open zoning.

Councilor McConnell supports Bruce's concept.

Councilor Bailey said he sees that strip of Route 20 as a delicate piece of roadway. We have Grimshaw Elementary School on the other side of the bridge and we need to be responsible as town leaders for any potential impact both positive and negative. With that said and the renovations of the D.O.T., it's a state road and should be suitable for some sort of retail. He is interested in the floating zone which allows the Board some control. Changing it to Commercial would be too radical as we would be looking at the property without restrictions. It just adds more complications to the way it's set up right now with the Hamlet on one end and Agricultural/Residential on the other. He doesn't see Commercial fitting between the two districts.

Councilor Shute thinks he likes the idea of the floating zone too. He doesn't doubt that Bruce would develop the property the way he says he would but he has concern about if the property is bought by someone else. They can do what they wish with it if it's zoned Commercial. If we don't right in some kind of requirements, there are always loopholes to what we come up with. It seems like it would give us the latitude to be able to entice some of the services we want there and still retain control to keep out something that we absolutely don't want going on there.

Supervisor Scammell asked if the Board wanted Kevin to research the floating zone.

Councilor Shute asked if in his experience the floating zones have run afoul.

Kevin said there are times things don't go right. Any time you are dealing with a commercial development it will require more diligence than a subdivision would.

Councilor Bailey said the town could stipulate no sale of diesel fuel and then no 18-wheelers are going to stop there.

Kevin said you have a lot of cars that use diesel. There are other way to do this.

Supervisor Scammell asked if the Board would like to review the floating district or to rezone the property to Commercial.

Bruce Donohue would like a yes or no out of each of the Town Board Members as to whether they would agree to rezone his property back to Commercial.

Councilor Bailey is opposed to the rezoning to Commercial as he would like to look more into the floating zone concept. He is for having some measure of control as a town leader so the restrictions are set in such a way that there is a balance. This is a delicate strip of road. To be in favor of rezoning this to Commercial would be too radical a move for him. He is willing to work with Bruce but doesn't want to see any potential impact in this area of road.

Ralph Lamson said the town has a Commercial Planned Development District in the Zoning Ordinance if they choose to use it. It basically says the Town Board can deny or approve an application and refer it to the Planning Board.

Councilor Knapp said maybe this is something Kevin can look at too.

Councilor McConnell would support going to a Commercial District as the Board would have some control.

Councilor Knapp said going to a Commercial District would not allow the Board any control.

Councilor McConnell would support going to a Commercial District.

Councilor Knapp would support the Commercial Planned Development District concept and that is the route he would recommend going at this point. It gives some flexibility yet it gives the Board some moderate control.

Councilor Shute would prefer the Commercial Planned Development method. He thinks the Commercial District would have to be changed town-wide to take out some of the uses that everybody agrees we don't want.

Councilor Knapp said maybe we need to do that anyway.

Councilor Shute said this hasn't been a speedy process.

Supervisor Scammell said he cannot support something that would allow a high volume gas station. Based on the survey he has done, the residents have not been in favor of this. He has spoken to several people in the past couple of weeks who have not been in favor of this.

Bruce said so basically on his first question to take the property out of the Hamlet District and change it to a Commercial District the Board voted as follows:

|                     |     |
|---------------------|-----|
| Councilor McConnell | Yes |
| Councilor Knapp     | No  |
| Supervisor Scammell | No  |
| Councilor Shute     | No  |
| Councilor Bailey    | No  |

He asked when the Board might consider the Commercial Planned Development zoning.

Kevin said the Board would have to look at what changes they would like to do on this section of the Ordinance. If gas stations and truck stops are the bugs in a

Commercial District, you might consider moving gasoline stations from Commercial Districts to Industrial Districts. You would theoretically put a gas station in a district that allows more intense uses. If there are intense uses that you don't want in a Commercial District, you could move them to an Industrial District.

Bruce said he has a potential purchaser for a gas convenience store. He would have to go to the Zoning Board of Appeals for a use variance.

Kevin said the Board would have to determine if this is something they think the land would be good for.

Bruce thinks the only avenue he has right now is to go for a use variance as there is hardship as he can't sell the property.

Councilor McConnell said or he can make an application to this Board for some type of zone change.

Bruce said he already made one pitch for a zone change and the answer was no.

Kevin asked if gasoline station is a criteria the Board doesn't want to allow on this property then maybe they should decide this now.

Bruce asked the Board about this.

Councilor Shute said if this were taken out of Hamlet zoning and made a Commercial Planned Development District the applicant would have to comply with a plan that Bruce submits to the Board. He asked what the Commercial Planned Development District would do as far as trying to get a subdivision.

Kevin said that would be totally separate. You would have to follow your Subdivision Regulations for this.

Councilor Shute asked if two subdivided lots would retain the Commercial Planned Development District status.

Kevin said yes.

## 8. **REPORTS.**

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

- 1) **Assessors:** Mary Doster, Marshall Taylor & Shawn Adam.
- 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.
    - Ralph said can be removed from agenda.
  - c) **3669 Eager Road** – dumping (letter sent, 7/07).
    - Ralph said can be removed from agenda.
  - d) **3303 Apulia Road** – vehicles (letter sent, 7/01).
    - Ralph said can be removed from agenda.
  - e) **3965 Coye Road** – vehicles (letter sent, 7/01).
    - Ralph said can be removed from agenda.

- f) **2966 Sentinel Heights Road** – burned out vehicle & structure & two unlicensed vehicles.

Ralph said can be removed from agenda.

- g) **Maple Grove** – trash dumped in creek?

Ralph said can be removed from agenda.

- h) **Route 11** – graffiti and abandoned vehicles.

Ralph said he has been playing phone tag with Nick Gazotis about this. Nick was sent a notice on this.

- i) **LaFayette Hotel** – car sales.

- j) **Morezak Road** – storage of construction vehicles.

Ralph said he sent a letter to Mr. Carter. Mr. Carter contacted him and advised the hydraulic ram broke on the excavator and he was repairing it which is why it was there for a couple of weeks. He did an inspection a couple of days ago on Newell Hill and went by this site and it was gone. The excavator broke while he was working on his property. He didn't bring it home to work on it.

Councilor Knapp said Zangari's mentioned at the last meeting that there was an area he could leave stuff that is not within their sight. He doesn't know where the spot is.

Leon said there is a spot on the side that he could put his truck when he drives it home and it would be out of sight. He talked to Mr. Carter and asked him to go down and talk to Zangari's. He thinks Mr. Carter eventually will go talk to them.

Ralph will give Mr. Carter a call about keeping the truck out of sight if he drives it home.

- k) **Route 11 North – Robert Shute** – junk accumulation.

Ralph thinks some of the trash is gone. He will check into this further.

Councilor Knapp asked if he was sending him a letter.

Ralph said he sent one a couple of weeks ago.

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

- **CNY SPCA contract** (10 days vs 5 days).

Jim Moore said his main concern is some of the pricing has increased from 15% to 30%. He has talked to the Executive Director several times. We are stuck with the \$150 fee per dog surrendered. There is some glimmer of hope from Tully as they are improving their facility this summer and adding additional space for dog control. We are the first ones on the list. He thinks we could get cheaper prices. Regarding the 5 days vs. 10 days, some years ago there was a policy with Lake Country for a 10 day redemption time. We do not have this agreement with the SPCA. Ag. & Markets calls for 5 days. We need a redemption resolution from the Board. The redemption fee is currently at \$125 and needs to be changed to \$150.

**Councilor's McConnell moved and Knapp seconded the motion to increase the dog redemption fee from \$125.00 to \$150.00 effective January 1, 2008. Motion passed unanimously.**

The Board reviewed the SPCA Contract.

Supervisor Scammell asked what the Town Board can do to keep the contract active.

Kevin said you can authorize the supervisor to sign the contract with the amendments.

**Councilor's Bailey moved and Shute seconded the motion to authorize the supervisor to sign the SPCA Contract with revisions. Motion passed unanimously.**

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

- **Jerome Rockwell draft agreement.**

Leon Cook said Mr. Rockwell's attorney contacted him at home and wanted the town to advise what they will offer for the use of the property. Brad Palmer is paying for 20 acres. We are using less than 2 acres. He is going to find out what Brad pays.

Kevin said he could get an estimate form the real estate people in town to see what the land is running.

Leon said it's just vacant land.

Kevin asked if it's farmable.

Leon said not really. They have been cutting brush. With the weather, sometimes they have had to go around the town once a day and other times twice.

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.

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

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

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

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

- Monthly report submitted.

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

- **Sky Heights subdivision** - Tully.

Supervisor Scammell said he went to the Town of Tully Planning Board Meeting. They have signs on the wall of the 4 things that are required to be submitted to the Board. These are produced by the New York State Planning Federation. The signs were professionally done. He thought it was very helpful.

Councilor Knapp asked if it's something permanently up.

Supervisor Scammell said yes.

Councilor Knapp thinks it is worth looking into.

Kevin would recommend having them.

Supervisor Scammell will look into the cost of the signs.

Councilor Knapp asked about the subdivision.

Supervisor Scammell said it's actually well underway. He was the only one at the meeting. The Planning Board Attorney has said he will provide John Dunkle with some information. He isn't sure what else we need to do.

- **Route 20 & Naughton/Markland intersection.**

Supervisor Scammell said he had a person come into the office and inquire about the intersection of Route 20 and Naughton and Markland Roads. He called the N.Y.S. D.O.T. and they will have an analysis of the intersection done probably in the spring.

Councilor Knapp asked what they would do.

Supervisor Scammell said they will determine what is the right thing to do there.

Councilor Bailey had to leave the meeting.

## **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).

- **New town website** – functional requirements in process, new email addresses, conversion & file transfers.
- **Senior website being designed by S.U. student Gail Burleigh.**
- **Submitted monthly report.**

3) **Economic Development** (Bill McConnell & Greg Scammell).

- **Thoma/Comprehensive Plan proposal.**

Councilor McConnell would like authorization to ask for an RFP from Thoma to research grants for water and sewer.

**Councilor's Shute moved and Knapp seconded the motion to get an RFP from Thoma for grant writing for a water/sewer district. Motion passed unanimously.**

- **Water survey – review.** Pete Grevelding.

4) **Emergency Response** (Tom Bailey, Bill McConnell, "Pete" Paul).

a) **Onondaga County Department of Communications - OCICS.**

b) **NIMS training** (TB members, etc.).

c) **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."**

d) **Mass shelter response.**

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

- **NYS Deferred Employee Compensation Plan – employee letter.**
- **Dental insurance – unlink from medical.**

Councilor Shute since it's a totally employee paid benefit, there's no reason why anybody shouldn't be able to have it. He thinks vision is this way too. If we are going to offer one of these benefits, he thinks we should offer both and it should be spelled out that the cost is up to the employee to pay.

Tom Chartrand said if the employee exceeds the amount they have paid in, it does reflect in the towns premium. He confirmed the rates are supposed to be made so we always remain in the positive.

**Councilor's Knapp moved and Shute seconded the motion to amend the Employee Policy to offer vision and dental benefits to all employees of the town who wish to pay for it themselves. Motion passed unanimously.**

- 6) **Environmental & Conservation Advisory Board** (Rainer Brocke, Barb Ferro, Knowlton Foote, Eileen Gilligan & Nancy Mueller, open position).

Supervisor Scammell said Rainer Brocke sent a letter recommending Mark Distler to be appointed to the Environmental Board to fulfill Wolfe Garritano's term.

Councilor Knapp said he recommended Mark to Rainer and he supports this appointment.

Councilor Shute agreed.

**Councilor's Knapp moved and Shute seconded the motion to appoint Mark Distler to the Environmental & Conservation Advisory Board to fulfill the term of Wolfe Garritano which expires December 31, 2009. 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>Absent</b>  |
| <b>Councilor McConnell</b> | <b>Voted</b> | <b>Abstain</b> |
| <b>Councilor Shute</b>     | <b>Voted</b> | <b>Yes</b>     |

**Motion carried.**

- 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** – thermostats (DK).

Councilor Knapp talked to Bob of Upstate heating and he is putting together a quote to replace one of the units. He is waiting for a call back from the company that takes care of the building next door.

**Councilor Shute moved and Knapp seconded the motion authorizing replacement of one of the heating/cooling units not to exceed \$5,000.**

Councilor McConnell thought it was two units.

Councilor Knapp said it would be one unit this year and one unit next year.

**Motion passed unanimously.**

- 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 - Loose clapboards** – estimate needed (DK).

Councilor Knapp said he has someone coming to give a quote on the clapboards.

d) **Community Center** – porch steps.

Herb Salladin is just waiting for weather to permit him to paint them.

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

Councilor Knapp said he spoke to Bob DeMore about last years Community Development submission. They will be meeting with Community Development to discuss this years submission.

a) **Marion Bailey Park.**

1. **Short term.**

- Park signs “children playing” - 76% (location needed).
- Basketball court improvement (new nets, paint backboards, straighten basketball pole, remove old volleyball pole) - 73%. (price needed for grant)

2. **Long term.**

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

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.**

- Park entrance signs (consolidate, carry in – carry out).

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

a) **NYS Workplace Violence Prevention Law** (NYS boilerplate & DVD).

b) **PESH inspection.**

Councilor Shute said this report has been sent to Tom Rezsnyak

Councilor Knapp will give the list of electrical repairs needed to Fred Groth and get an estimate of the cost to fix them.

Councilor Shute said the work must be completed by January 15, 2008.

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

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

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

- Validation and posting.
- Billing cycle.

Councilor McConnell said everything is on track. There's a training class on January 14<sup>th</sup>. They are investigating whether their payroll will allow them to pay once a year or not.

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

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

- NYD DEC Draft General Permits GP-08-001 and -002 comments.

Councilor McConnell said he submitted a response. He will get together with Councilor Knapp to discuss the report that must be ready in January.

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

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

- **Construction completion.**
- **Spring restoration change order.**

Councilor Knapp said there is a big voucher before the Town Board tonight. Tom Chartrand said that is for everything except for the restoration. We are applying to get the balance of the EPA grant.

Councilor Knapp asked if the town has been reimbursed for everything.

Tom said yes except for interest on the bond.

Councilor McConnell asked about a bill from Dunn & Sgromo regarding inspection expenses.

Tom believes this was addressed when John Dunkle came to an earlier meeting.

- b) **Hamlet drainage study** – request submitted to NYS DOT, intersection of Routes 11 & 20 to be reconstructed in 2010-11.

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

- a) **Jamesville Reservoir Preservation District/JRPA change.**
- b) **SOCPA subdivision guidelines to distribute to local subdivision applicants.**
- c) **Digitized zoning map, correction & amendments.**
- d) **Streamlining of similar uses, controlled site approvals and specific permits.**

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

**A. ONONDAGA NATION LAND/LAND RIGHTS CLAIM.**

- Syracuse Post-Standard, 12.01.07, front page, "Tribe takes 157 acres off the tax roll."

**B. SPRINGHILL FARMS.**

This is before the Zoning Board of Appeals for interpretation of a continued non-conforming use.

**C. 2008 JAMESVILLE FIRE DEPARTMENT CONTRACT.**

It was noted that Kevin Gilligan has to look into this. Are we providing workers compensation for the Jamesville Fire District? If not, we will scratch the 8<sup>th</sup> paragraph of the contract.

Councilor Knapp thinks we are going to do that and Councilor Shute is going to meet with someone from the Jamesville Fire Department.

Kevin said once he looks into this, maybe he can get the change to Mary Jo and Councilor Shute can take it with him when he meets with the Jamesville Fire Dept. representative.

**D. MAY V. TOWN OF LAFAYETTE: UPHELD TOWN ZONING.**

The Town is still waiting for receipt of the fine.

**E. JAMESVILLE GROVE ESTATES: CANCELLATION OF INSURANCE.**

Kevin Gilligan said there is a cancellation on insurance so they have notified Ralph Lamson and Leon Cook that no work should be taking place.

Ralph asked if next year someone comes in and wants to build a house and the builder supplies insurance, is that sufficient?

Kevin said no because the roads are not done.

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

**A. COMMUNITY DEVELOPMENT GRANT APP - 2008.**

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

- Bailey Park.
- LaFayette Beach.
- Stafford Park.
- Grant writer.

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

Supervisor Scammell asked Mary Jo to research and see when they advised they would be giving another report and let the Board know.

**C. 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** – Mark Distler.

Discussed earlier in the meeting.

**11. NEW BUSINESS.**

**A. RX ZONING CLASSIFICATION** – Comprehensive Plan.

**B. ROUTE 20 CROSSROADS CORPORATION:** rezoning/change of venue request.

Discussed earlier in the meeting.

**C. INSURANCE QUESTION – JAMESVILLE FIRE DEPARTMENT (AS).**

Councilor Shute asked Tom Chartrand about his reference last meeting about not being sure whether to go with the State Insurance Fund.

Tom said it was in the early 90's that we changed from the State Insurance Fund to PERMA. There were some issues with the NYS Insurance Fund. NYS Insurance Fund is much tougher with classifications. It would probably cost you more in the NYS Insurance Fund because of the classifications. Service was another reason why he wasn't fond of them.

Councilor Shute thinks both insurance agents tonight seemed to recommend PERMA.

Tom said PERMA specializes in municipalities.

Councilor Shute said this is the second go around with Reagan Agency. They did it with them in January regarding the Liability and General Insurance. He gets the feeling they are not particularly looking out for us and we are kind of doing their work for them. He doesn't think we would have known about the area where we could cut cost without the gentlemen from HF&C and he thinks hard work should be rewarded.

Tom said currently the bill is \$46,672.

Councilor Shute said we are down to \$39,600 with what Reagan Agency advised the Board tonight. Had it not been for the other guys from HF&C, we would not have seen this.

Councilor Knapp asked if there is any other savings we can see by having them negotiate for us.

Councilor Shute said that was the last bit Jim Stoddard talked to the Board about. They thought they would be able to reduce a couple of the charges. Right now PERMA won't take a call from HF&C as they aren't our agent.

Councilor Knapp confirmed that is currently Reagan Agency.

Tom said the only change he sees is in the fire. There's no change in the General, Highway or Ambulance.

Councilor Shute said the only change Reagan Agency made was the \$6,000 for the Jamesville Fire District. Jim Stoddard and Jason Allers were unable to talk to PERMA but they think they can take another \$4,000 off in negotiation but they can't do anything unless the board authorizes them to do so.

Councilor McConnell is in support to make the change.

Councilor Knapp asked if we are authorizing HF&C to negotiate on our behalf, does that lock us into whatever they come up with? What if they do worse? Can we still exercise the Reagan option?

Councilor Shute said it can always be switched back.

Tom Chartrand doesn't see where changing brokers will change the quote from PERMA. They will base your quote on the same numbers.

Councilor McConnell referred to a submitted checklist that HF&C uses and have always been able to get a reduction by using it.

Councilor Knapp is fine with giving HF&C a shot as long as we can come back if we need to.

**Councilor's Shute moved and McConnell seconded the motion to switch brokers from Reagan Agency to HF&C regard workers compensation and to**

**authorize the supervisor to sign any necessary paperwork. Motion passed unanimously.**

**D. BILL MOENCH’S DONATION OF “DON’T TREAD ON ME” FLAG.**

**E. PERMA QUOTE**– TC review.  
Discussed earlier.

**F. HEALTH CENTER** – rezoning for residential drug and alcohol treatment center.  
Kevin said their office was contacted by a real estate broker inquiring about a residential drug and alcohol treatment center in the old Health Center.  
Councilor Knapp doesn’t have a problem if it is a reputable outfit.  
Supervisor Scammell said his concern is holding a public hearing. He asked the Board if they would be receptive to adding this to the Hamlet District.  
Councilor Shute would like to know if they are serious about this.  
Supervisor Scammell asked if the Board would like them to come and talk about it.  
The Board would.  
Kevin will let them know the Board is willing to discuss this with them.

**G. 2008 ORGANIZATIONAL MEETING.**

**Councilor’s Knapp moved and Shute seconded the motion to hold the 2008 Organizational Meeting on Thursday, January 3, 2008. Refreshments will begin at 5:00 p.m. with the meeting beginning at 6:00 p.m. Motion passed unanimously.**

**Councilor’s Knapp moved and Shute seconded the motion authorizing the Supervisor to make any necessary end of the budget year transfers. Motion passed unanimously.**

12. Suggestions for improvement and positive contributions.

Councilor Knapp said Congressman Walsh had a Town Hall Meeting at Grimshaw School that was pretty well attended. Supervisor Scammell and Pete Paul were there. Councilor Knapp said he moderated the meeting. He thought it was a productive evening.

Supervisor Scammell agreed and thought it went very well.

Councilor Knapp thinks the Congressman and his staff were very happy with the evening. Supervisor Scammell spoke in the beginning of the meeting and thanked Congressman Walsh and his staff for all their help with the Northeast Water District.

**Councilor’s Knapp moved and Shute seconded the motion authorizing the Supervisor to sign the LaFayette Fire Department Contract. Motion passed unanimously.**

13. Executive session (if needed).

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

|                     |                      |
|---------------------|----------------------|
| <b>HIGHWAY FUND</b> | <b># 8848 - 8860</b> |
| <b>GENERAL FUND</b> | <b># 8861 - 8896</b> |

**SPECIAL DISTRICT FUND # 8897**  
**Motion passed unanimously.**

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

The Town Board Meeting adjourned at 10:41 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

Adopted 12/18/07