

Minutes of the Regular Town Board Meeting held by the LaFayette Town Board on January 12, 2009 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, Councilman
William McConnell, Councilman
Adrian Shute, Councilman

Absent: David Knapp, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Thomas Chartrand, Bookkeeper
Kevin Gilligan, Town Attorney
Rainer Brocke, Env. Board
Ryan B. Maio – Tully High School Student
Derek W. Jones, Jr. – Tully High School Student
Shawn Adam – Assessor Chair.

1. Supervisor Scammell called the Town Board Meeting to order at 6:34 p.m.
2. The Town Clerk took the Roll. Councilman Knapp absent and all else present.
3. Pledge to the U.S. Flag led by Bill McConnell.
4. Councilor McConnell had two corrections for the January 12th minutes. On page 3, EPA should be BPA-Harbridge in both spots. **Councilor's Shute moved and Bailey seconded the motion to accept prior meeting minutes of January 12, 2009, as amended. Motion passed.**
5. **PUBLIC HEARINGS.** None.
6. **COMMUNICATIONS.**
 - A. **Residents.**
 - B. **State of New York: Worker's Compensation Board, Case #6071 0094.**
 - C. **LaFayette Optimist Winterfest Committee, Adrian Shute: LaFayette Optimist Winterfest support.**

Tom Chartrand said the town supported it last year in the amount of \$150 for a safety program.

Councilor's McConnell moved and Bailey seconded the motion to support the Winter Fest in the amount of \$150.00. Motion passed.

D. Onondaga Commissioner of Finance: corrected mortgage tax apportionments.

Supervisor Scammell felt they were quite nice for LaFayette in comparison to the other towns.

E. U.S. Senator Charles Schumer: 2009 Teaching American History Grant Program.

F. U.S. Senator Charles Schumer: 2009 National Leadership Grant Program.

G. U.S. Senator Charles Schumer: America's Historical and Cultural Organization Grants Program.

H. Onondaga County Health Department: water sampling results.

I. Tully Hill – Stafford Park parking.

Kevin Gilligan advised we must receive an insurance certificate from Watson's too.

Councilor's McConnell moved and Shute seconded the motion authorizing the supervisor to sign a permit for Watson Greenhouse/Tully Hill when all information is received. Motion passed.

J. NYS Insurance Department: Foreign Fire Tax Updates for 2009.

K. EMS & Disaster Medicine Fellowship: response card.

Councilor Bailey would suggest that the supervisor acknowledge that we will be on board with this program. From what he understands, this has been very effective in other communities. It's kind of like rather than bringing the patient to the hospital, they bring the hospital to the patient.

Supervisor Scammell asked if the Certificate of Need is something we need to work up.

Councilor Bailey said you just need to sign the card and send it back for now. Once they have collected all the cards, he thinks they will go to the County Legislature for some funding.

L. Other.

Councilor McConnell introduced Derek Jones and Ryan Maio from the 12th Grade Civic Class at Tully High School. They are here to observe the meeting.

7. SPECIAL REPORTS. None.

8. REPORTS.

A. DEPARTMENTAL (4th Monday).

1) Assessors: Marshall Taylor, Shaw Adam and Bill Turner.

- **Cold War veteran's exemptions.**

Supervisor Scammell said this is something the county is looking at. He gave his copy to Shawn Adam.

Councilor Shute said it looks like we have 9 months to look at it as it must be decided on 90 days prior to March 1, 2010.

Supervisor Scammell asked if Shawn Adam or Marshall Taylor could work up something showing the impact of what this might be.

Shawn Adam believes Marshall Taylor did work something up. He isn't sure what the amount was. He will check with Marshall Taylor on this.

Councilor Bailey doesn't think there can be that many.

Shawn Adam said there's really not. He will get with Marshall Taylor and work through the numbers for the next meeting.

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

a. 3448 Route 11 – debris. Court. Warrant issued.

Supervisor Scammell noted a warrant has been issued for Mr. Shute for not showing up to court in Otisco. His concern is that this will drag on for several months as it already has. Is there anything we can do to speed up the warrant?

Kevin Gilligan said probably not. The judge issues the warrant to the local police which in this case is probably the State Police and they will pick him up and take him to the judge. He guesses we could ask the State Police the status of this.

Supervisor Scammell asked Councilor Bailey about this.

Councilor Bailey will make a phone call.

Supervisor Scammell noted this is the second go around with him.

b. 3231 Webb Road. House in disrepair (spring clean up).

c. Oschner Road – junk.

d. LaFayette Beach capacity determination.

e. 2008 building permits.

A written report was submitted.

f. Monthly report – December.

A written report was submitted.

g. Other.

3) Dog Control: Jim Moore & Doug Scholes.

4) Highway Superintendent: Leon Cook.

• Permissive referendum.

This has been completed. There were no questions or comments from the public.

Leon Cook said in 2007-2008 they made 88 trips around town and used 799 ton of salt. So far in 2008-2009 they have made 70 trips around town. If the weather keeps going, he is going to be over by 300 tons. They will have to order more salt. Hopefully we might get a break now in the temperature.

They have a problem with Truck # 2 (the 2001 Ford). They had it over to Ford in Syracuse and they put a transmission in it and we had to pay for it. They didn't do the right thing and the transmission went and they had to put another one in and they still didn't do the right

thing. They wanted him to bring it back and run some tests on it. He didn't feel comfortable with Koerner Ford so he took it to Summit Ford in Elbridge. This truck has been down for 7 weeks. In the meantime, he's having to do this trucks route and his own. He had John Greeley using the grader in some areas. People have called and complained about the noise. For the folks he talked to that called complaining about the backup alarm on the grader so early in the morning, he explained that they will only be using it until the 2001 truck is fixed. He told the people the school buses get out on the road about 6:30 a.m. and they have to have it safe for the buses. The people all agreed they didn't want any kids to get hurt. A couple of them wanted to know if he could hold off another hour and this is why he told them they couldn't because of the buses. They took the truck in last Monday and it's been exactly one week. They are waiting for a factory representative to come in. A representative was supposed to have come in last Friday and he didn't come. He talked to them at 3:00 p.m. today and the representative still hadn't gotten there. They can't do anything until they find out if the representative is going to take our side or Koerner Ford's.

Truck # 6 (the '97) had trouble with the hydraulics on it and lost 3 controls for the wing. He went from 12/12/08 to 1/21/09 without one of the wings working. If we got a lot of snow, another truck would have to go around behind him and push the snow back. They found out the hydraulic motor that runs the conveyor was causing little metal flakes to get into the valve hoses. It's working good now.

Leon Cook asked if we have a signed contract with Syracuse Haulers.

Supervisor Scammell isn't sure.

Leon said they only pick it up every other week at a charge of \$67.54/month. Feher gave him a quote of \$45 for pick up every other week plus a \$5 fuel charge. It will save \$17.54 a month times 12 months would be \$210.48/year. If we don't have a signed contract, he would switch.

Supervisor Scammell asked if he is satisfied with the service he is currently getting.

Leon Cook said yes.

Supervisor Scammell asked if we should give them the opportunity to match the price.

Leon Cook said he got a report from the President of the Highway Superintendents on our CHIP money. Right now 31% of our CHIP money will be taken away. This comes to \$14,495. This equals what we got 14 years ago. The Highway Superintendent's will be having a bus starting in Buffalo and stopping in Syracuse on its way to Albany to thrash it out. They are hoping for a full bus load. When we went to Albany before we got almost \$10,000 more in 2008 than in 2007. The Highway Superintendent's Association is asking for at least one person from each town to join them on the bus. They would prefer it to be the Supervisor or Dep. Supervisor. The more people they have, the more chance there is to get the funding.

Supervisor Scammell asked the date.

Leon Cook said he doesn't know this yet. The Highway State Superintendent's Association pays for the bus. He will let Supervisor Scammell know when the date is and where the bus will stop.

Supervisor Scammell asked what he will do if they do cut the funding.

Leon Cook said he will just have to do less work.

Supervisor Scammell said the continued communication he gets from the New York State Governor's Office is much more serious than he has had in the past.

Leon Cook said in the paperwork he gave the Board it states the new fees the Governor is putting out which amount to quite a bit.

Tom Chartrand said he heard from one of his Madison County Supervisor's who sits on the Supervisor's Board that Madison County is being cut 22% and the towns are likely to be cut 40%.

Leon Cook said they will just have to pick the worst roads to oil and stone and do very little shimming. Usually in May while the guys are working at the landfill for Clean-Up Days he goes around the town and inspects all the roads. We will just have to let the people know so they realize what the situation is. He knows no one wants an increase in their taxes.

Supervisor Scammell asked if Tom Chartrand had heard anything else about the state aide reduction.

Tom Chartrand hasn't heard anything yet but the state aide is so low it really won't have big impact. He hasn't heard anything from any of his contacts that the state aide will go down. He would suspect we won't see an increase this year. He reviewed the other areas we might see cuts in.

5) Justice Court: Malcolm Knapp & Maureen Perrin.

- a. January, 09 audit letter to NYS Unified Court System.**
- b. Monthly report - December.**

A written report was submitted.

6) Library Director: Scott Kushner.

- a. Monthly report – November.**

A written report was submitted.

- b. Monthly report – December.**

A written report was submitted.

7) Recreation Director: Regina Reinschmidt.

- a. Monthly report.**
- b. Beach capacity sign.**

8) Ropes Course: Sandy Smith.

- a. Periodic Usage reports.**
- b. Report submittals (AS).**

A written report was submitted.

- c. Access maintenance.**

Councilor McConnell talked to Sandy Smith today and she did agree that we should have an easement agreement with the property owner to allow usage of the driveway.

9) Tax Collector: Mary Doster.

- Warrant.**

10) Town Clerk: Mary Jo Kelly.

- Pitney Bowes postage machine contract.**

Mary Jo submitted paperwork for the Pitney Bowes machine. Pitney Bowes advised they

would not continue the current agreement. It appears from the paperwork that we would be paying \$3 less quarterly.

Councilor's McConnell moved and Bailey seconded the motion authorizing the Supervisor to sign the Pitney Bowes Lease Agreement. Motion passed.

- **Monthly report.**

11) Town Supervisor: Greg Scammell.

- **Monthly report - December.**

B. COMMITTEE (2nd Monday).

1) Agriculture (Dave Knapp & Mary Jo Kelly).

2) Communications & Technology (Mike Forte, Pat Keefe, Mary Jo Kelly, Marshall Taylor, & Greg Scammell).

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

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

Councilor McConnell said he and Supervisor Scammell and Councilor Shute met on the 19th. They talked about the following 5 subjects:

- 1) The idea of community renewal starting with the Hamlet. They proposed to assist the Environmental & Conservation Advisory Board with the replacing of the planters. Rainer Brocke talked with him earlier about this. They are going to get together to see what the Environmental & Conservation Advisory Board wants along with the potential to add some Welcome Flags at the entrances to the Hamlet along with the U.S. and Military Flags. He would also like to work with the D.O.T. regarding the duplication of road signs. He is going to talk to Mike Amidon again about the corner building.
- 2) How do we promote LaFayette in a positive way. We talked about a tri-fold brochure. He is going to get together with someone on this. They would like to have this done by early spring.
- 3) Councilor McConnell had a discussion with Greg Scromo regarding water funds available with the latest legislation. He talked to Bernie Thoma about this too. He is going to meet with Greg Scromo again about this. The initial report will cost about \$2,000. Once you have this initial report, you can apply for funding. Bernie Thoma believes the funding will be there.
- 4) Councilor Shute said first off the LaFayette Chamber of Commerce has been offered by the Syracuse Chamber to have a presentation at their annual show at the fairgrounds. Some of the members of the LaFayette Chamber were interested but they don't have the budget for this. He would like to ask the town to support their effort and they would like to work this in with the brochure. They talked about working up a multi-media presentation of LaFayette. Anybody from the Town Board

would be welcome to man the booth. The Chamber would be sure they had people to work there too. The total cost they would like the town to support them for is \$575. He would like to put this to a vote tonight as they have to let the Syracuse Chamber know if they are in or not.

Tom Chartrand doesn't believe this is a legal expenditure.

Councilor McConnell asked if it could be looked at as part of the Economic Development Budget.

Tom Chartrand asked what the funds would be used for. Who would the check be written to?

Councilor Shute said they would use the funds as a promotion for the town. It could be written to the Syracuse Chamber.

Tom Chartrand understands what they are saying. His opinion is that it doesn't sound like a town charge. It sounds like a donation to a group.

Councilor Shute asked if they took the LaFayette Chamber out of the picture and had the town presenting it would it be O.K.? The chamber would provide the staffing.

Rainer Brocke remembers some years ago when he lived in the Adirondacks, Long Lake decided to make a brochure on its assets. The person in charge of this discovered that it wasn't a great idea and people who were going to that point of the Adirondacks to visit were really going through the whole area. They ended up at Long Lake with a brochure of regional areas. If we have a brochure representing LaFayette and perhaps Tully and Apulia or a couple of places around here, we can talk about wineries, etc. We can talk about assets of the general area. That might be something you might want to address and someday have a couple of towns in the general area that come together and have a brochure that incorporates all the assets in the area. Really we are only a small community. If you get south of the Reservation there is a character to the area that is really unique and we could incorporate the commercial and natural assets of the area. He's not saying you should do this now but might want to explore it in the future.

Councilor Shute said there's also the aspect of us being in competition with Fabius and Tully for certain services.

Rainer Brocke said we may do better standing together.

Councilor Shute said if Tully gets a grocery store, LaFayette won't. There's not enough people to support certain businesses.

Councilor Bailey asked if the costs could be underwritten as education.

Tom Chartrand said if you pay for a group's admission to a function he's not sure it's a town expenditure.

Councilor Shute said the presentation would also be what he uses when he approaches grocery stores, etc. If we have chamber members staffing the booth, they are business members as well as he's sure they will use the time to do some networking. He doesn't think the brochure would mention any business names.

Councilor McConnell said it would be more community, school and geographic highlights.

Tom Chartrand doesn't see a problem with the brochure. Paying the fee to enter an organization in the trade show would be problematic. The basic test is does it benefit the taxpayers as a whole?

Councilor Shute said the way he sees it benefiting us as ultimately there are areas in the town that are available to be developed and if we go out and actively seek the kinds of businesses we want to be in those areas, we get the types of businesses we want. The goal is to attract some of the businesses we would like to see rather than settling with getting what we get.

Councilor McConnell sees this as benefiting the taxpayers as a whole by possibly providing a needed service and a tax base. He appreciates Tom Chartrand's candid response. His own opinion is that he could vote to do this without any second thoughts about it and could answer to any taxpayers.

Supervisor Scammell believes Tom Chartrand's concern is with the Comptroller's Office.

Tom Chartrand said yes. He would think if the town was promoting itself, it would be a lot better than the town paying for another group.

Kevin Gilligan asked if the town could be the sponsor. What is the \$575 for?

Councilor Shute said an entry fee.

Mary Jo asked if it could be the Town of LaFayette that enters and Town Board Members and Chamber Member staff the booth.

Kevin Gilligan said then we would be taking taxpayer money to pay for a private entity. We are constrained in some respect. If it was the Town Board entering on behalf of the Town of LaFayette it could be more doable and then it could be staffed by Chamber people.

Tom Chartrand asked if they would give us the same rate.

Councilor Shute believes so.

Councilor McConnell said at one of the adhoc meetings, someone said we should be looking for businesses that provide a service for the town and not for traffic off Route 81.

Councilor Shute said the businesses in town are hurting. Most of them are loosing money as of December. He thinks the last thing we need is for places to start shutting down and creating more empty buildings.

Councilor's McConnell moved and Bailey seconded the motion to allow the Town of LaFayette to enter a Trade Show to be held at the Fairgrounds in the interest of the taxpayers to promote the Town of LaFayette for an entry fee to the Syracuse Chamber not to exceed \$575.00. Motion passed.

Councilor McConnell said the last idea they discussed at their Economic Development Committee meeting was the idea of a LaFayette Day.

Councilor Shute said he came up with this idea in hopes of building a little more community involvement. The thought is to take a day (May 30th) and hold it at Stafford Park. This would be an opportunity to bring a lot of the groups together in town. Around that time, the Optimist Club runs their Bike Rodeo which they would be willing to move to this date. They do the lacrosse alumni game around this time and they would be willing to move it to this day too. He would like to have the town involved as well. This is still in the rough planning stage. There would be no fundraising or selling of anything. It would be a family day with activities for people in the town. The end result he would like to see is a little more promotion of the town with the media to show how the town

works together with not-for-profits, school, community, etc. It would give us a chance to show everyone what we have.

Councilor McConnell likes the idea and would offer to help in any way he can.

Supervisor Scammell asked about the food and refreshments.

Councilor Shute said he doesn't know. He wanted to hear from the other people. His thought is that this is where the town could be involved. We could supply burgers and hotdogs. He thinks we could do it for not much money. The Optimist Club and Community Council seem ready to go with this.

Councilor McConnell said the Economic Development Committee began its meeting at 5:00 p.m. and ended it at 6:00 p.m.

- 4) Emergency Response (Tom Bailey, Bill McConnell & "Pete" Paul).**
 - a. Onondaga County Department of Communications - OCICS.**
 - b. Mass shelter response.**

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

- 6) Environmental & Conservation Advisory Board (Rainer Brocke, Barb Ferro, Knowlton Foote, Eileen Gilligan, Nancy Mueller & Mark Distler).**
 - a. LaFayette Hotel.**
 - b. Replace planters at hamlet four corners.**
 - c. Input to Windmill Ordinance.**

Rainer Brocke submitted a memo dated 1/26/09 regarding the windmill legislation. The large windmills are problematic but he guesses these are not under consideration. He is going to deal with the wildlife and the environment. You will have to deal with the appearance of these things and what people think of them. He thinks this will be the big issue. One of the things we can do is try to incorporate a study after somebody has decided to erect one of these and they would agree to allow people to come on their land and actually study the effect on wildlife, if any. This was one of the big questions raised in the symposium in New York. He thinks that would help us see, if there is a problem, how the ordinance could be modified and it will let the DEC know that we are concerned about the environment. He would recommend something be added to the ordinance along the following lines:

"LaFayette Township is located astride a major north-south bird and bat migration corridor. Small wind turbines are currently known to have no significant impact on wildlife. However, the Township seeks to learn about any potential impacts and therefore the windmill owner agrees to permit periodic trespass by scientists or professionals, if requested, to conduct low-profile studies or assessments of short duration (hours or days). Such research projects, if conducted, must be done by technically proficient professionals, or scientists from recognized institutions. Permission to conduct a study will be requested beforehand and results made available to the windmill owner. Results may also be published in technical journals. If such a study request is made by a qualified scientists or professional, the windmill owner will grant it, following discussion of reasonable parameters for the conduct of data collection. A copy of such study results will be forward to the Town Board to be included with other documents of the project."

He would recommend something in this order would be a good addition to the ordinance that is developed so far. He doesn't see anything immediately or necessary other than this as far as the ordinance is concerned. He understands there is a short SEQR Form. Typically you will find there's no negative impact. If the Board has any questions, they have collected a lot of information on this.

Kevin Gilligan thinks something like this could be put in the inspection section. The Planning Board had some ideas for this too. He thinks we should aim for the fourth Monday in February to do the public hearing. That would give us time to address the issues Dr. Brocke has brought up and get a revised amendment to the Board.

Councilor McConnell said he appreciates the tone and intent. He doesn't think that many windmills will be constructed. He likes the idea of getting the public hearing scheduled.

- 7) Highway ("Pete" Paul, Leon Cook, Dave Knapp, Sumner Palmer & John Greeley).**
 - **Building committee: rough estimate for new Highway Garage (subject to permissive referendum).**

- 8) Insurance (Adrian Shute & Bill McConnell).**
 - a. Reagan Insurance – LPL.**
 - b. Claim – highway accident.**
 - c. PERMA-loss runs online.**

- 9) Physical Plant (Herb Salladin, Dave Knapp & Bill McConnell).**
 - a. Next heat pump replacement and programmable thermostats.**
 - b. Fire & smoke alarms at Town Offices (1st & 2nd floor) & Community Center. Code requirements (Rick Storrier/DK).**
 - c. Town offices - Loose clapboards – estimate needed (DK).**
 - d. Community Center basement flooding – masonry pointing, window blocking, backfilling and trenching.**
 - e. Community Center fencing.**
 - f. Commons water supply violation correction. (DK)**

Councilor Shute said there are some safety inspection items that need to be completed. There is someone who is willing to help out with some of this stuff. What do we have to do to have another person as a Physical Plant Deputy?

Tom Chartrand said we would have to create a new position. If it's only going to be a seasonal thing or temporary, he isn't sure we have to go through the whole thing. If it's going to be year-round having two Physical Plant Deputies, we really should create a position.

Councilor Shute doesn't really see it as just a temporary position.

Mary Jo Kelly said we also need someone to test the water on a daily basis downstairs. A report should be filed at the end of each month listing the daily readings.

Councilor Bailey can see the justifiable need for a year-round Deputy Physical Plant position.

Councilor's Shute moved and McConnell seconded the motion to create another Physical Plant Deputy position. Motion carried.

Tom Chartrand said we cannot hire someone until we have created the position with the Civil Service Dept.

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

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). Keep or remove?**

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. Stafford Park.

- **Pavilion ingress/egress**

11) Safety (Tom LaFayette Beach Rezsnyak, Adrian Shute, Leon Cook & Regina Reinschmidt).

- a. NYS Workplace Violence Prevention Law (NYS boilerplate & DVD).**
- b. Community Center – cigarette butt disposal.**
- c. Worker’s Comp cap? (11.12 memo).**
- d. Community Center inspection.**

12) School District liaisons (Bill McConnell and Adrian Shute & Pete Paul).

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

- a. LOSAP audit.**
- b. Legislative relief appeal.**
- c. 2008 roster.**

Councilor McConnell said the letter to Senator DeFrancisco has been forwarded to Albany. Due to the downsizing of his staff, it wasn’t addressed yet.

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

15) SPDES (Bill McConnell, Jim Nakas, Steve Beggs, Nancy Mueller, Mark Parrish & Kevin Gilligan).

- **Housekeeping Inspection.**

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

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

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

- SOCPA subdivision guidelines to distribute to local subdivision applicants.**
- Digitized zoning map, correction & amendments.**
- Streamlining of similar uses, controlled site approvals and specific permits.**

9. LITIGATION & OTHER LEGAL MATTERS.

A. Onondaga Nation Land/Land Rights Claim.

B. Pending zoning issues list.

C. Windmill Ordinance.

Kevin Gilligan said the Planning Board suggested that under Section B 3(a) where we say “Only one windmill for legal lot shall be allowed. In addition, such legal lot must include a structure and may not be vacant land”, that we replace the word structure with residence.

Councilor McConnell said a property owner could own the adjoining property and put the windmill on the other parcel if the land was higher and the tower could be lower.

Mary Jo thinks the Planning Board might have been more concerned about someone having a structure and generating the power for a business.

Shawn Adam agreed that this was the idea.

Supervisor Scammell asked if the person could join the parcels together.

Kevin Gilligan said yes.

Councilor Bailey thought the intent of this ordinance was to have the windmill supply energy to the residence.

Kevin Gilligan said Jim Nakas’s comment was that we don’t want them to stick up a tool shed and to satisfy the structure requirement.

Councilor McConnell asked Shawn Adam if someone puts up an expensive tool shed and then a windmill, why not let them?

Shawn Adam said their concern is a tool shed that is a machine shop that isn’t registered as a business would put the burden on Ralph Lamson to see if they are using it as a tool shed or a business. What the Planning Board was concerned with really is one windmill per customer.

Kevin Gilligan brought up CNY Auto. They don’t have a residence on the property but they do have a structure.

The Board was in agreement to leave it as structure.

Shawn Adam agreed. He believes economics will rule these, hopefully.

Kevin Gilligan said under Section C (2) it says you can have an inspection during construction and anything other than that would be under the regular inspection codes. Jim Nakas recommended allowing the C.E.O. to inspect the tower at least once every 5 years.

Supervisor Scammell asked what Ralph Lamson would be inspecting them for.

Kevin Gilligan said to be sure it's holding together.

Shawn Adam said the concern is if it's not under a maintenance contract with anyone, what kind of shape will it be in at the end of 5 years?

Councilor McConnell said the structure holding the windmill is a cement base with a lattice type tower and pole. The part that wears out is the hub. He would be O.K. with the wording "may" inspect.

Supervisor Scammell asked about just having inspection reports being filed with the town.

Councilor McConnell said there is a cost for the inspection.

Shawn Adam said these are 3 x 3 towers. This is not a big structure. He thinks it would be good to have some language where we could inspect if we wanted to. He thinks it opens us up to who will inspect it, liability, etc.

Supervisor Scammell asked about putting the words in "must allow the C.E.O to inspect the tower if he wishes".

Kevin Gilligan asked the Board if they wanted to add Rainer Brocke's comment to allow access for research.

The Board was O.K. with this.

**TOWN BOARD RESOLUTION
TOWN OF LAFAYETTE**

**Introducing a Proposed Ordinance
Amending the Town Zoning Ordinance
Regulating Windmills in the Town of LaFayette**

January 26, 2009

Councilor McConnell introduced a proposed Ordinance relating to Windmills within the Town of LaFayette, and made the following motion, which was seconded by Councilor Shute:

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the adoption of an Ordinance in the Town of LaFayette.

NOW, THEREFORE, it is

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

RESOLVED AND DETERMINED, that the following proposed Ordinance is hereby introduced for the Town Boards consideration:

**"ORDINANCE AMENDING
THE 1970 ZONING ORDINANCE
OF THE TOWN OF LAFAYETTE,
AS PREVIOUSLY AMENDED**

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

Section 1. So that Section A of Article II of the Zoning Ordinance is amended to add a new subsection (1)(h) as follows:

“h) Upon Controlled Site Approval of the Planning Board in accordance with the standards and procedures of Articles III and X, Windmills.”

Section 2. So that Section H of Article II of the Zoning Ordinance is amended to add a new subsection (1)(d) as follows:

“d) Upon Controlled Site Approval of the Planning Board in accordance with the standards and procedures of Articles III and X, Windmills.”

Section 3. So that the following definitions shall be added to Section B of Article VIII of the Zoning Ordinance:

TOWER HEIGHT - The height measured from the ground to the top of the tower (excluding the blade length).

WINDMILL: A machine that runs on the energy generated by a wheel of revolving blades rotated by the wind. The Windmill includes all parts of the system.”

Section 4. So that a new Article X entitled Windmills is added as follows:

“ARTICLE X - WINDMILLS

SECTION A. PURPOSE AND INTENT

The Town recognizes the increased demand for alternative energy generating facilities. At the same time, the Town recognizes the valid concerns and interests its residents have in the aesthetic enjoyment of their homes and properties. The purpose of these regulations is to protect the community’s interest in properly siting windmills in a manner consistent with sound land use planning, while also allowing private providers to meet their power generating objectives. Moreover, the further purpose of these regulations is to provide for the health, safety and welfare of the residents of the Town and to balance the sometimes competing needs of such uses and their neighbors while at the same time accommodating the public interest in and demand for such facilities. In addition, the purpose of these regulations is to provide standards for private windmills designed for home, farm, and small commercial use on the same parcel, and that are primarily used to reduce

consumption of utility power at that location. The intent of these regulations is to regulate the development of windmills and to protect the public health, safety, and community welfare.

SECTION B. MINIMUM REQUIREMENTS FOR WINDMILLS

1. **APPROVAL REQUIRED.** All Windmills in the Town of LaFayette are subject to Controlled Site Approval by the Town of LaFayette Planning Board.
 - a) Such Controlled Site Approval shall be made in accordance with the standards and procedures of Article III as well as the standards and procedures set forth in this Article X.
 - b) In the case of a conflict between the provisions of this Article and other regulations contained in this Zoning Ordinance, the provisions of this Article shall apply.
2. **APPLICATIONS:** Applicants for windmills shall fill out a Controlled Site Application and include the following information:
 - a) All application Controlled Site Plan application requirements as set forth in Article III of the Zoning Ordinance.
 - b) Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
 - c) Sufficient information demonstrating that the system will be used primarily to reduce electricity cost at that location.
 - d) Manufacturer information for the proposed windmill, including, but not limited to, the system specifications and any available photographs of the proposed system.
 - e) A short EAF SEQR form and Visual EAF
 - f) Any other information requested by the Town of LaFayette Planning Board
3. **STANDARDS:** Windmills shall comply with all the requirements of the Town of LaFayette Zoning Ordinance that are not in conflict with the requirements contained in this Article. In addition, all windmills shall comply with the following standards:
 - a) Number of systems.
 - (1) Only one windmill per legal lot shall be allowed. In addition,

such legal lot must include a structure and may not be vacant land.

- (2) Notwithstanding the forgoing, up to three (3) windmills shall be allowed on any farm activity used for agricultural purposes.**
- b) Setback requirements. A windmill shall comply with all setbacks within the effected zoning. In addition windmills shall be set back a distance equal to one- hundred ten (110%) percent of the Tower Height from all property lines, public road rights of ways and power lines.**
 - c) The Tower Height of any windmill may not exceed one hundred twenty-five (125) feet. The allowed Tower Height shall be reduced if necessary to comply with applicable Federal Aviation Requirements.**
 - d) Exterior lighting on any structure associated with the tower shall not be allowed except that which is specifically required by the Federal Aviation Administration.**
 - e) Windmills may be designed as either a monopole or lattice structure.**
 - f) Noise: The level of noise produced during operation of a windmill shall not exceed 50 dba, as measured at the property lines owned by anyone other than the site owner, as those boundaries exist at the time of the controlled site application. The applicant will be required to submit technical data proving such performance standard to the satisfaction of the Planning Board as to this requirement.**
 - g) All power lines from the windmill to on-site interconnection equipment shall be located underground.**
 - h) Windmills shall not be installed in any location along the major axis of an existing microwave communications operation where its operation is likely to produce an electromagnetic interference in the link's operation.**
 - i) Windmills shall not be installed in any location where its proximity interferes with existing fixed broadcast, retransmission, or reception antennae for radio, television or wireless phone.**
 - j) The Windmill shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.**

- k) **No Windmill shall be permitted which lacks automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components or enclosed shelter.**
 - l) **Windmills shall be constructed to provide one of the following means of access control, or other appropriate method of access:**
 - (1) **Tower- climbing apparatus located no closer than 12 feet from the ground; or**
 - (2) **A locked anti-climb device installed on the Windmill; or**
 - (3) **A locked protective fence at least six feet in height that encloses the Windmill.**
 - m) **Anchor points for any guy wires for the Windmill shall be located within the property that the system is located on and not on or across any aboveground electric transmission or distribution lines. The point of attachment for the guy wires to the anchor points shall be sheathed in a bright color from three to eight feet above ground.**
 - n) **All Windmills shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.**
4. **In granting the Controlled Site Use for a Windmill, the Planning Board may impose reasonable conditions to the extent that such Board concludes that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties.**

SECTION C. MAINTENANCE AND INSPECTION

- 1. **Maintenance: All Windmills shall be maintained in good condition and in accordance with all requirements of this section.**
- 2. **Inspection: The Zoning Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a Windmill is being constructed, to inspect all parts of said Windmill installation and require that repairs or alterations be made if in his judgment there exists a deficiency in the operation or the structural stability of the system. If necessary, The Zoning Officer or Town Engineer may order that the system be secured or otherwise cease operation. It shall not be required that the owner or agent be present in the event of an**

emergency situation involving danger to life, limb or property for the Zoning Officer or his designee to enter the premises for purposes of inspecting such system.

- 3. **Abandonment of use: A Windmill that is not used for six successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any permit shall constitute grounds for the revocation of the controlled site by the Town. In addition, failure to remove an obsolete or unused tower in accordance with this section shall be a violation of this section. If said abandoned Windmill is not dismantled and removed within three months of abandonment, the Town may dismantle and remove said Windmill and the cost of removing the Windmill shall be a lien on the property and added to the property owner’s tax bill.”**

Section 5. Effective Date.

This Amendment to the 1970 Zoning Ordinance of the Town of LaFayette, as amended, shall take effect as provided in Section 265 of the Town Law.@

and it is further

RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the adoption of this proposed Ordinance at the LaFayette Town Hall located at 2577 Route 11, LaFayette, New York on February 23, 2009, at 6:30 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.

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

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

The foregoing Resolution was thereupon declared duly adopted.

Other.

10. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. COMMUNITY DEVELOPMENT GRANT APP - 2008.

- 1) **Stafford Park – accepted, to be bid.**
- 2) **LaFayette Beach – rejected.**
- 3) **Grant writer.**

Councilor Shute said the updated 5-year plan was distributed to the Board.

Councilor's Shute moved and McConnell seconded the motion to hold a public hearing for the Community Development Grant 5-Year Plan on February 9, 2009 at 6:30 p.m. Motion passed.

B. FOR TB REVIEW.

- 1) **Windmill Energy legislation (Environmental and Conservation Advisory Board feedback).**
- 2) **Grievance Board of Assessment Review (open position).**
- 3) **Christian Hollow Cemetery – RoW, access (DK).**
- 4) **Workers Comp. (AS)**

Councilor Shute said our insurance company reviewed the policies and we won't see any saving by separating the fire dept. and town policies. If we could stop having so many workers comp. claims we would be doing better.

11. NEW BUSINESS.

A. Rx zoning classification – Comprehensive Plan.

B. Stafford Park - flag pole (DK).

C. Education requirements – PB & ZBA.

D. Fire Department contract.

Supervisor Scammell said he hasn't heard anything back from the attorney or the fire dept. Tom Chartrand asked if the Board wanted him to prepare the contract voucher.

Councilor McConnell spoke to John Harper who is on vacation now and he will be at the next Town Board Meeting with the LOSAP information.

Supervisor Scammell is concerned that we don't have a contract. He would recommend we send a letter to their attorney stating we haven't heard back from them and we anticipate hearing something. It would be preferable to have a contract but we need to know whether we will have one or not.

Councilor's Shute moved and McConnell seconded the motion to send a letter to their attorney. Motion passed.

Kevin Gilligan recommended copying the fire dept.

E. Tobacco Free proposal.

Councilor McConnell would generally support what they are advising. Their signs are good.

Councilor Shute said we were looking for some signs at the park anyway.

Councilor McConnell would like to read it over again before the next meeting.

Supervisor Scammell initially was opposed to this. He grew up in a community where everyone smoked and it seemed normal. He wished he had never smoked.

Councilor McConnell said it's not a prohibition. In nature, it's education

Councilor Shute said for the most part he hasn't seen a problem. He thinks the Nice & Easy does a good job at not having the stuff out. In principle he is for this.

Supervisor Scammell said this would include the Community Center. He would like to think about this some more too.

F. Other.

12. Suggestions for improvement and positive contributions.

13. Executive session (if needed). Highway storage contract.

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

HIGHWAY FUND	#3222 - 3233
GENERAL FUND	#3234 - 3271

Motion carried.

15. Councilor's McConnell moved and Shute seconded the motion to adjourn. Motion passed.

The Town Board Meeting adjourned at 8:35 pm.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Adopted 2/9/09