

February 23, 2009 – Town Board Meeting Minutes

Minutes of the Regular Town Board Meeting held by the La Fayette Town Board on February 23, 2009 at 6:30 p.m. in the Meeting Room of the La Fayette Commons Office Building at 2577 Route 11 in the Town of La Fayette.

Present: Gregory Scammell, Supervisor
David Knapp, Councilman
Adrian Shute, Councilman
William Mc Connell, Councilman

Absent: Thomas Bailey, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Thomas Chartrand, Bookkeeper
Kevin Gilligan, Town Attorney
Jim Nakas, Planning Board Chair.
Ralph Lamson, C. E. O.
Leon Cook, Highway Superintendent
Tom Dadey, Jr., Brown & Brown
Rainer Brocke, Env. & Cons. Adv. Board, Chair.
Nancy Mueller, Env. & Cons. Adv. Board Member
Jerry & Linda Devine
Shawn Adam, Assessor, Plan. Bd. Member
Knowlton Foote, Env. & Cons. Adv. Board Member

1. Supervisor Scammell called the Town Board Meeting to order at 6:30 p.m.
2. The Dep. Town Clerk took the Roll. Councilman Bailey absent. All else present.
3. Pledge to our U. S. Flag. Town Councilor Adrian Shute.
4. **Councilmen McConnell moved and Knapp seconded the motion to accept prior meeting minutes of February 9, 2009 as submitted by the Deputy Town Clerk. Motion passed unanimously.**
5. **PUBLIC HEARINGS.**
 - **WINDMILLS - 6:30 pm.**

Kevin Gilligan said basically this is what we have been working on for many months. It regulates the residential type of windmills in the Hamlet and Residential/Agricultural areas of the town which is most of the area. It regulates both the number of units and placement of the units. We had some informal discussions and as a result of some input from our Environmental and Conservation Advisory Board we added some language regarding bird migration and routine inspections every 5 years.

Supervisor Scammell asked for any questions or comments from the public or the Board.

Councilor Mc Connell said we took the input given and he is happy with the way it is now.

Jim Nakas said he is concerned with the height of these structures and we are defining tower height from the ground to the top of the windmill generator itself excluding the blades. We have already had neighboring property owners complain about the height of some windmills being put up. He is concerned about the length of the blade above the turbine. Is the blade always 6' to 8'? Can you put up as long of a blade as you wish? He is a little confused on this part. Would the Planning board have the ability to tell the applicant they think it's too high for that location?

Councilor Knapp said when Mr. Putzer was here, he thinks the blades go by the size of the unit capacity or how much it generates. He thinks it would vary depending on wind speed, etc.

Councilor McConnell said the structures come in 20' sections which is one of the things that determines the height. 125' came in because of the general topography to get above treelines, etc.

Chairman Nakas wonders if there should be a height maximum that includes the tops of the blades. If some blades are going to be 11' long, you could have a tower of 136' which is getting up there especially if you are the guy living across the street. Would the Planning Board have the ability to strongly recommend that the wind generating facility be lower or would it take an engineering study to show you wouldn't be any better at a higher height?

Councilor McConnell wouldn't think an engineering study would be needed as the study would already have been done.

Jim Nakas would like to know what to tell the neighbors that don't like it. We have had this happen.

Councilor Shute said the wind speed is the basis for how much electricity will be generated. Raising it 20' around here could basically double the amount of production that you get.

Councilor McConnell said we have a maximum output of 10 kw which will restrict the size of the equipment you put on your property.

Kevin Gilligan thinks this restriction was taken out a couple of meetings ago.

Jim Nakas would like to be able to tell the neighbor why it has to be at this height.

Councilor McConnell said when Billy Putzer was in he advised they have a wind analysis chart.

Jim Nakas said what if the applicant can get the optimal output at 85'.

Councilor McConnell said then the applicant would only go that high as it's cheaper for him.

Kevin Gilligan said the height regulation says they have to show "evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system..." Other than that, the tower can be 125' which is measured from the ground to the top of the tower excluding blade length. The applicant can have as long of a blade as he wants as long as it doesn't get any closer than 25' to the ground. If 80' will do it and the applicant wants to go to 125', there's nothing in the ordinance to restrict him from going to 125'.

Councilor Knapp asked what if the distributor recommends 85'?

Kevin Gilligan said he would think the owner isn't going to want to sink more into the tower than he has to. They want to have it at the right height to capitalize on the maximum amount of wind as cheaply as possible.

Councilor McConnell asked if Jim Nakas would want the wording “not to exceed the distributor’s recommendation”?

Jim Nakas said his other concern is the word “primary” for the residence. He might rather see the word “solely”.

Shawn Adam said there is system where you can feed batteries only.

Councilor McConnell said this would be just for your own residence.

Councilor Knapp said if you want any funding from the state, you have to be hooked up to the grid.

Shawn Adam said the Planning Board would like to have as many clear definitions as they can.

Councilor McConnell said the gearing is the most important part. To restrict a certain length of blade might be counter-productive to what the manufacturer is building.

Councilor Shute said we might put ourselves ahead of technology if they find increasing blade length by 6” would make a big difference. We shouldn’t hinder this.

Jim Nakas said he isn’t talking about 6”, he’s talking about things that may bother surrounding property owners. Can the Planning Board say something to the applicant that they won’t go along with a request of 125’ if they can get the same wind support at 85’?

Councilor McConnell said the height is driven by the design of the product.

Councilor Shute said NYSERDA is overlooking this too. They are not going to spend the extra money if there’s no gain in going to the extra height.

Jim Nakas just wants to know who can look at the plans and decide the height isn’t needed for a certain area. He doesn’t think the Planning Board is qualified to do this. Perhaps the Town Engineer could look at each tower that goes up and its location to make this determination.

Councilor McConnell doesn’t believe the Town Engineer is qualified to provide guidance for this ordinance. The manufacturer is the one who provides the specifications.

Greg Sgromo said they could review the technical data submitted to determine if it was necessary.

Councilor McConnell would argue against this because any distributor is going to give the applicant the model and location for the windmill.

Councilor Knapp asked if they do an onsite win test at different heights.

Councilor McConnell believes they do.

Councilor Shute believes they go by the state map for windspeed. He would think the study would have to be at least over the course of a year to get the different speeds at different months.

Jerry Devine said he is from the Town of Pompey and is a wind system dealer. The manufacturer doesn’t usually say how high the tower should go. Lots of times there are two different companies involved. One tells you how high it should be and the other one might sell you the windmill. 12 ½ mph wind is ideal. They put a wind measuring machine up for awhile, maybe for a year, and then determine whether it will work from the data collected.

Councilor McConnell asked him what the average span of the blade for most of the ones he represents.

Jerry Devine said it’s determined by the generator. It’s a package unit and the manufacturer doesn’t recommend you change anything.

Greg Sgromo asked about how big a blade is for a 10 kw unit.

Jerry Devine said about 3 meters.

Rainer Brocke thinks the specification of 125' falls within the category of small windmills and basically it's this size of windmill that would do the job well for the average home owner. You probably don't need it that high if you are in an open area on top of a hill. He thinks 125' is a good number for a limit.

Councilor Knapp asked Jerry Devine how high the highest tower he has done was.

Jerry Devine said at his test site he only has it at 30'. He's at a good location where he doesn't need more than that.

Rainer Brocke thinks all the installer would have to do is abide by the SEQR Regulations. The big problem in terms of wildlife is the really large windmills. We are on a passageway for migrating birds.

Supervisor Scammell said if someone purchases one of these and then it is determined that a certain size is required, he doesn't know how we can change this.

Jim Nakas would just hate to see these things being higher than they need to be.

Leon Cook said they just put one up on Reidy Hill. It sits way back and you can hardly see it. You can't hear it either. If you look close, you can see the propellers spinning. It would be interesting if anyone wants to go look at it. He was told this is 110'. He doesn't see how this can hurt the neighbors in any way.

Supervisor Scammell believes Jim Nakas is talking about a site where it would be much more obvious and noticeable to someone living across from it. He asked what Jim Nakas would prefer to be in the law.

Jim Nakas isn't sure he has an answer. He is just interested in knowing what to tell the surrounding property owners that might feel they don't want it as tall as the applicant wants it to be.

Supervisor Scammell believes economics will control this to some degree.

Jim Nakas said if NYSERDA is going to front it for 30 grand and the applicant will match it with 30 grand, it's probably someone who has some extra pocket change and a few extra thousand may not matter.

Rainer Brocke asked if hearings would be held when someone requests one of these.

Councilor Knapp said a public hearing would always be held.

Supervisor Scammell believes Jim Nakas is saying he doesn't have a tool if it's too high.

Councilor Knapp asked what if we put in the words "the appropriate height to capitalize on the optimum wind velocity". If you could get the best wind at 90', why should you go to 120'?

Councilor McConnell asked the height of the ones approved.

Jim Nakas said between 130' and 134'.

Councilor McConnell said you could change this to "the height giving you the optimum wind speed".

Councilor Shute said by changing this you would be taking this from a clean measurement to the unknown. What is optimum to the applicant might not be what we think is optimum.

Nancy Mueller asked what about a situation where someone might need to go higher than the 125'.

Councilor Shute thinks there is a provision for this. Someone could get a variance.

Jim Nakas would like to recommend we approve this document. He thinks it's a good document and if we need to make some changes as time goes on, we can do them at a later date. He thinks this is a good starting process.

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

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

The Board went through the EAF.

TOWN OF LAFAYETTE

RESOLUTION TOWN BOARD MEETING

February 23, 2009

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

WHEREAS, pursuant to the provisions of the Town Law, a proposed ordinance, "An Ordinance Amending the 1970 Zoning Ordinance of the Town of LaFayette, as Previously Amended, Regulating Windmills", was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on January 26, 2009; and

WHEREAS, a public hearing was held on such proposed ordinance on this 23rd day of February, 2009 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed ordinance having been heard, and said proposed ordinance having been in the possession of the members of the Town Board of the Town of LaFayette in the manner required by law; and

WHEREAS, this proposed Ordinance was referred to the Onondaga County Planning Agency for its review and comment and that agency has taken no position with respect to the proposed Ordinance; and

WHEREAS, the proposed ordinance was determined to be an unlisted action by this Board, acting as lead agency, by resolution dated January 26, 2009; and

WHEREAS, it is in the public interest to adopt said proposed Ordinance.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that based upon a review of the proposed ordinance and the criteria set forth in 6 NYCRR, Section 617, and the environmental assessment form submitted in support of the proposed ordinance, this Board finds that there are no identified adverse environmental impacts reasonably anticipated to result from adoption of the ordinance and the Board hereby renders a negative declaration for purposes of SEQR; and it is further

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

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 wind energy consisting of a wheel containing revolving blades, rotated by the wind for purposes of converting wind energy into electricity.”

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 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 actively used for agricultural purposes.**
- b) **Setback requirements. A windmill shall comply with all setbacks within the affected 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.**
 - o) Windmills shall be constructed so that windmill blades shall maintain a minimum of twenty-five (25) feet clearance from the ground surface.**
- 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, upon notice to the owner, the premises on which a windmill is being constructed, and on a routine administrative basis thereafter once every five (5) years, upon notice to the owner, to inspect all parts of said windmill installation and require that repairs or alterations be made if in the judgment of said Officer or Engineer 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 notified in advance 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. The Town is located astride a major north-south bird and bat migration corridor. Small wind turbines are not currently known to have significant adverse impact on wildlife. However, the Town wants to learn about any potential adverse impacts and therefore the windmill owner agrees to permit periodic access to windmill sites by scientists or professionals, if requested, to conduct low-profile studies or assessments of short duration (hours or days) for the purposes of studying such impacts. Such research projects, if conducted, must be done by qualified professionals, or scientists from recognized institutions. Permission to enter the Owner's premises in order to conduct a study must 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 individual, the windmill owner shall grant it, including reasonable parameters for the conduct of data collection. A copy of any study results will be delivered to the Town.
4. 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 approval 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.

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

Gregory Scammell	Supervisor	Voted	Yes
David Knapp	Councilor	Voted	Yes
Thomas Bailey	Councilor	Voted	Absent
William McConnell	Councilor	Voted	Yes
Adrian Shute	Councilor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

6. COMMUNICATIONS.

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

B. Onondaga County Department of Finance: tax delinquent properties.

C. Time Warner Cable: customer commitment and legal notice.

D. Other.

7. SPECIAL REPORTS. Water district proposal.

Greg Sgromo was present from Dunn and Sgromo.

Councilor McConnell said this is a proposed public water project presentation. He will give an overview looking back, looking at today's picture, a preliminary engineering design, steps to take ahead, a summary and recommendations. In 1992 there was a proposal by Peter Grevelding for a gravity fed water system linked to OCWA. His plan is still relevant and doable. In 2005, Focus 2010 did a 5-year look ahead and found 47% favored public water for the Hamlet and 67% favored water and sewer for the Hamlet. In 2007, a LaFayette Water Study was done. 258 surveys were mailed out to residents that might be within a proposed water district and 121 were returned. This was a 46% return rate with a desired return rate of 5%. 68% were satisfied with well water but... 65% desired public water. Out of the 2007 water survey responses in the Hamlet 18 were in favor of public water and 7 were not making 72% in favor of water. In the Hamlet east 18 were in favor of public water and 15 were not making 54% in favor of water. In the Hamlet north 41 were in favor of public water and 15 were not making 74% in favor of water. In 2008 there was a Town Hall Meeting where 22 citizens attended representing the areas of the Hamlet and its surroundings as well as the Hamlet north and Barker Hill. The opinion of those who attended was that the town should fund the effort to acquire grant monies for public water/sewer. The La Fayette Chamber of Commerce wrote a letter showing their support with this opinion. Dunn & Sgromo has dusted off the 1992 plan. The public desire and need is still there. There is currently an opportunity for federal stimulus for rural water development and rural waste-disposal. The next step is a preliminary engineering design (PED) so we have a shovel ready design and can be placed on the EFC listing for state and federal funds that are now

available and grants that may be applied for to offset consumer cost. This PED will show the depiction of the proposed district.

Greg Sgromo showed the plans. There would be a new water tower tank erected on Sentinel Heights Rd. that would be gravity fed. The water would come down Sentinel Hgts. To the water district. It would stop on Route 20 west at Route 81. It would service both schools. It would go north on Route 11 to Mc Clary Rd. and to Bull Hill Rd. It would go on Route 20 east to Applewood Estates and Route 11 south to end of Hamlet District.

Councilor McConnell said the outline is clearly a quality of life issue. He read a letter from Maureen Perrin regarding the water problem at her office in the Hamlet District. There is a fee to do the PED. This would cost \$4,000. This design would allow us to get ourselves on a list to be considered for any grants which help us determine if it's affordable.

Councilor Knapp asked what the design would entail.

Greg Sgromo said it will outline what we study and give more details on how big the water tank will have to be, how many units there would be, etc.

Councilor Knapp asked if there would be an analysis about hitting rock when digging.

Greg Sgromo said there were already some tests done. You are going to hit rock so they will take a quick look to see if they are in the ballpark with this. The cost of the district will get much more detailed and narrowed down.

Supervisor Scammell said with the preliminary design, we would be just about ready to pass a petition if we wanted to.

Greg Sgromo said you would be ready to send it out to the public for review and proceed with a referendum or whatever you need to do.

Councilor McConnell said he appreciates that Dunn & Sgromo has worked their number down for the PED. He would recommend moving ahead with this design.

Councilor Knapp asked what kind of time-frame are we looking at.

Greg Sgromo believes they could do it within a month.

Councilor McConnell said time is of the essence. If we get these figures, we can put something in the Newsletter and start educating the public to see if this is something they want to go forward with or not. The steps ahead are as follows:

1. Pass a resolution to move ahead with the PED.
2. Research and apply for water grants.
3. Educate and inform the public of project scope and cost.
4. Schedule of public referendum: "The Voters Voice".

A town team will do the work for the citizens consisting of the Town Board, engineering and grant writing. By the town team doing the work, it will be more efficient and less turmoil. The quality of life solution is to provide quality and quantity of water, eliminate recurring cost of new wells and county water testing as well as lower insurance quotes for home owners due to shorter fire response times by having hydrants and business cost is reduced.

Councilor Knapp asked how this will be funded.

Councilor McConnell would recommend taking half of the cost out of his Economic Development Budget.

Councilor Shute asked if the PED would be enough to apply for these grants or do we need to have a district set up to apply.

Greg Sgromo said it's enough to get on the EFC list and enough to have Thoma start applying for grants.

Kevin Gilligan asked Greg Sgromo how he sees the referendum being triggered.

Greg Sgromo didn't know.

Councilor McConnell said part of this process is the trigger for it is to make the decision to take the next step. Once we find out about grants and educate the public, we then move forward with the referendum.

Kevin Gilligan said it depends on how you approach the district whether it's done by town initiative or people going door-to-door to get a petition signed. The town can initiate it by town resolution which would trigger the referendum.

Councilor McConnell is trying to stop from having to go door-to-door.

Councilor Knapp asked if we would open the voting machines and have people come in to vote.

Kevin Gilligan said yes. Getting this all done within the time-frame will not be easy.

Greg Sgromo said they are looking for shovel-ready projects. He had heard they were looking for them to be ready in 180 days.

Kevin Gilligan said they are interested in people starting work and creating jobs within the community in 180 days. In order to qualify for the stimulus money, we are going to have to have the whole program done.

Ralph Lamson asked how much thought is put into future growth of the town when the water system is put in.

Councilor McConnell said that is when we look at the Comprehensive Plan. We would look at authoring a new Town Comprehensive Plan with strong legislation protecting the character of the town which would take away the fear of over-development. The current plan is 20 years old.

Ralph Lamson said he is talking about along Route 11.

Greg Sgromo said this is all part of the study being done. Right now they are looking at a 400,000 gallon tank. They might decide to make this a little smaller. They are looking at the possibility of growth in the study.

Councilor Shute confirmed the only way to handle the difference between residential and commercial is the number of units.

Greg Sgromo said it's the only way he knows how to do it. You compare what the commercial use is with what the residential use is. To determine the commercial usage, you look at the number of employees, etc.

Councilor Shute said we will be looking at this on a case by case basis then.

Greg Sgromo said somewhat. They are looking at the usage for the schools, apartments, etc.

Kevin Gilligan said it's the same process that was used for the Northeast LaFayette Water district.

Councilor Shute said he knows a lot of businesses in the Hamlet are spending a lot of money on treating and testing the water.

Councilor McConnell said he proposes the Town Board approve Dunn & Sgromo doing a preliminary study not to exceed \$4,000.

Councilor's Shute moved and Knapp seconded the motion to authorize the Supervisor to sign an agreement with Dunn & Sgromo to prepare a Preliminary Engineering Design for a proposed water district not to exceed \$4,000. Motion carried.

Supervisor Scammell asked about septic for the Hamlet area.

Councilor McConnell is looking into this. This will be the next step to look at and determine the cost and what is needed.

Councilor Knapp said if we get water, do we need the septic? We are going to hope to fix the overall drainage when Route 20 and Route 11 are fixed. If we can get money it, fine.

Greg Sgromo said there is a lot of new technology since the study was done back in the 90's.

Supervisor Scammell said if the hamlet area could qualify for the stimulus, it might be the only opportunity they have to get septic for a price they can afford.

Kevin Gilligan said in reviewing the standard conditions of the agreement with Dunn and Sgromo, we need a Certificate of Insurance showing liability coverage, etc. The liability coverage must be one million. This isn't as important on this as it will be when we get into the design. He will work on the details with Greg Sgromo.

Councilor Shute asked Greg Sgromo when discussion would take place regarding the boundaries of the district.

Greg Sgromo said before they do the report, they will be looking at the district boundaries.

8. **REPORTS.**

A. **Departmental (4th Monday).**

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

• **Cold War veteran's exemptions – impact estimate.**

Shawn Adam said Marshall Taylor did an analysis and based on the numbers in Manlius which is the only place that has currently adopted this exemption, and he came up with about 20. The worst case scenario would best \$1,000 in the budget.

Councilor Knapp asked if the county has approved this.

Shawn Adam believes they have.

Kevin Gilligan said Marshall Taylor advised he would email Kevin when the county passes it.

Councilor Knapp asked how Manlius can pass it when the county hasn't.

Kevin Gilligan said everyone is asking that question. Marshall Taylor said he would give us the flag when it was time to go forward with this.

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

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

Supervisor Scammell asked for the status on this.

Ralph Lamson said he hasn't heard anything.

Supervisor Scammell said he does see Mr. Shute from time to time at his residence.

b. **3231 Webb Road. House in disrepair (spring cleanup).**

c. **Oschner Road – junk.**

d. **LaFayette Beach capacity determination.**

e. Monthly report.

Ralph Lamson said there were no Building Permits issued in January. He thinks this is down due to the economy and the weather. Usually we have between 3 and 5.

f. Other.

3) Dog Control: Jim Moore & Doug Scholes.

4) Highway Superintendent: Leon Cook.

• **Permissive referendum.**

Leon Cook said it doesn't look like they will be doing too much regarding their building until better weather.

• **Trash hauling contract.**

Leon Cook said this can be removed. The contract with Syracuse Haulers isn't up until August so he can't switch to Feher at this time.

• **Salt contract.**

Leon Cook said he signed up with the county for this. The county is putting it up for bid for next year. He had 1,320 ton and he jumped it up to 2,000. You can put in for more than what you will use. Once you use up what you put in for, you can't get any more.

Since the last meeting they went around 12 times. It was 4 trips today. Because the ditching machine was down, they have used the loader. They have had to use it more this year due to people pushing the snow out of their driveways more than ever before. This snow problem is going on throughout the county. Eventually he will be coming to the board and asking for a law to be passed like the state has regarding snowplowing of driveways and then the State Trooper's or County Sheriff's have something to go by.

Leon Cook said they helped change the motor on the Coring. The job is complete. They had to wait 2 days for an adaptor. The total cost was \$18,471.63. By the Highway Dept. helping out, it cut the cost a little over \$5,000.

Supervisor Scammell asked if the new Highway Garage should be thought about in terms of the stimulus money.

Leon Cook said with the economy the way it is, he doesn't know if we should push it right now.

Supervisor Scammell said he doesn't know if we will get the opportunity for this again.

Councilor Knapp thinks it might be something we should talk to Thoma about.

Kevin Gilligan said you would have to have architectural drawings ready in 180 days.

Supervisor Scammell asked where we would put it.

Leon Cook said the town would have to buy property. He has to go see the guy behind the Log Cabin again.

Supervisor Scammell said Mr. Gazotis.

Councilor Shute thinks it might be the best place for one.

Kevin Gilligan asked if there were any environmental concerns with this property.

Leon Cook said not on the part we are looking at.

Councilor McConnell said the only area of concern would be the area that they used to do the pressure treated lumber.

Ralph Lamson thinks the DEC did a study on this property. He doesn't think they ever came up with anything on it.

Councilor McConnell said when he talked to Gary Booher, he said the same thing. When they sold it he thought they looked into any concerns.

Councilor Knapp will get the Building Committee together about this.

Kevin Gilligan said you need property so you need a deal hammered out with the property owner and then we will have to see if it's sufficient to do a referendum and then you have to come up with architectural drawings and be ready to build in 180 days if you get funding.

Councilor Knapp will get the Building Committee together.

5) Justice Court: Malcolm Knapp & Maureen Perrin.

a. January, 09 audit letter to NYS Unified Court System.

Supervisor Scammell thinks there is a letter they require us to send stating we have audited the books.

Councilor Knapp will look into this.

b. Monthly report – January.

A written report was submitted.

6) Library Director: Scott Kushner.

- **Monthly report.**

7) Recreation Director: Regina Reinschmidt.

a. Monthly report - January.

A written report was submitted.

b. Beach capacity sign.

Supervisor Scammell asked Ralph Lamson if he determines the capacity for the Beach.

Ralph Lamson said yes. He and Regina Reinschmidt have discussed this and will get together in the Spring to make the determination.

8) Ropes Course: Sandy Smith.

a. Periodic Usage reports.

b. Report submittals (AS).

c. Access maintenance/easements (BM).

Supervisor Scammell said Sandy Smith cannot make the meeting this evening as she is not feeling well.

Kevin Gilligan said Sandy Smith called him today and she is going to try to get in touch with Burlingames and Dixons on the phone. She thought it would be better if she did this as she knows them.

Councilor McConnell talked to her at length this afternoon.

9) Tax Collector: Mary Doster.

10) Town Clerk: Mary Jo Kelly.

- **Monthly report.**

11) Town Supervisor: Greg Scammell.

- **Transfer of appropriations.**

This was transfers done in December that Supervisor was already authorized to make.

- **Monthly reports – December and January.**

Written reports were submitted.

Tom Chartrand reviewed the end of the year report.

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).

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.**

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).

Mary Jo said Tom Dadey had to leave but asked the Board to approve the renewal with Brown and Brown and to consider having Workers Comp. through them to so all insurance is in one place.

Councilor Knapp said Tom Dadey was here and advised our fire code went from 5 to 8 which will have an effect on the whole town. He would like to know why this happened.

Ralph Lamson said the only time he's seen this done is when an agency came in and looked at the departments rigs and the training, etc.

Kevin Gilligan said it's based on the fire protection that is provided. He asked about the rating in Syracuse.

Ralph Lamson said they got it to a 1.

Councilor Shute said the difference between 5 and 8 in general is the capacity of the tanker truck, the presence of fire hydrants and the distance to the fire station.

Councilor Knapp said none of these have changed. In fact, we added fire hydrants to the north end of the town.

Councilor Shute said the tanker may not have been in great shape and they also look at response times.

Supervisor Scammell said this is something we should know. If no protection is a rating of 10 and we are at an 8, we should be looking at this.

Ralph Lamson thinks you can get a copy of the report.

Councilor Shute will check into this tomorrow.

Kevin Gilligan said Tom Dadey might be able to help him with this.

Councilor Knapp said this is basically the difference in the premium.

Kevin Gilligan said this will have an effect on everyone's homeowners insurance too.

Councilor Shute said as far as the Worker's Comp., he would not be comfortable switching to Brown & Brown. Haylor, Freyer and Coon had the best rate and the best service when we decided to go with them.

Councilor Knapp said the rate wouldn't switch if we switch to Brown & Brown.

Councilor Shute said they ran through all the numbers for us to see if we would save money splitting the fire departments from the town.

Councilor's Knapp moved and Shute seconded the motion to renew the Insurance Package dated February 23, 2009 with Brown and Brown. Motion carried.

9) Physical Plant (Herb Salladin, Dave Knapp & Bill McConnell).

a. Next heat pump replacement and programmable thermostats.

Supervisor Scammell read a letter from Upstate Temperature Control dated February 19th regarding the cost to fix/replace the oldest heat pump.

Councilor Knapp will look into getting another bid.

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)

g. Commons water testing.

Supervisor Scammell read a letter he received from the Health Dept. stating they have not received a report for January and water must be tested.

Mary Jo said she has advised the Board she is no longer doing the water testing as it can no longer be done upstairs but must be done downstairs in the Mechanical Room now. She asked if someone in the Library could do this.

Councilor Knapp will check with Scott Kushner to see if they can possibly do it. He will contact the Health Dept. regarding this matter too.

h. Deputy.

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. Worker’s Comp cap? (11.12 memo).**
- c. Community Center inspection.**

Councilor Shute said he and Tom Rezsnyak will be attending a meeting that will hopefully help us with our Workers Comp. He contacted the L.F.D. about this meeting but hasn’t heard anything back from them.

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

Councilor McConnell submitted writing pads highlighting positive things about the

town and the school to the Board for review. If we order 1,000 they will cost 98 cents each. If we order 2,500 they will cost 86 cents each and if we order 5,000 they will cost 74 cents each. We will not be charged for the setup fee of \$300-\$400.

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

- a. LOSAP audit.
- b. Legislative relief appeal.
- c. Prior service award spreadsheet.

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

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

- **Onondaga County intermunicipal contract.**

Councilor McConnell said the hotline is free.

Councilor's McConnell moved and Knapp seconded the motion to enter into the Intermunicipal Agreement with the county for SPDES illicit discharge and hotline services. Motion carried.

Ralph Lamson asked Councilor McConnell about the SPDES map.

Councilor McConnell said he is going to get some for the town.

Ralph Lamson said he just needs a small one to hang in his office.

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

- **Hamlet drainage study – request submitted to NYS DOT, intersection of Routes 11 & 20 to be reconstructed in 2011-12.**

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

- a. SOCPA subdivision guidelines to distribute to local subdivision applicants.
- b. Digitized zoning map, correction & amendments.
- c. 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.

D. 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 Knapp said they had a productive meeting on the 2008 grant for the walking, jogging, biking path. This is definitely progressing. CNS Engineers are going to do the design work for us at no charge. He and Councilor Shute will be meeting with them in the next few days. As far as the 2009 application he met with Thoma last week. The cost will be much less since we are not reinventing the wheel.

Councilor Shute said there is a big number in the stimulus for Community Development as well.

B. COMMUNITY DEVELOPMENT GRANT APP – 2009.

C. 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).**

11. **NEW BUSINESS.**

A. RX ZONING CLASSIFICATION – COMPREHENSIVE PLAN.

B. STAFFORD PARK - FLAG POLE (DK).

Councilor Knapp said this has been ordered.

C. EDUCATION REQUIREMENTS – PB & ZBA.

Mary Jo said everyone is all set for 2008 and are working on 2009.

D. FIRE DEPARTMENT CONTRACT – DISTRICT BOUNDARY, PRELIMINARY BUDGET.

E. TOBACCO FREE PROPOSAL.

Councilor Shute doesn't have a problem with this. It would be for the 3 parks and the Community Center. These would be good places to put signs up.

Councilor's Shute moved and McConnell seconded the following Resolution:

**TOWN OF LAFAYETTE RESOLUTION
REGARDING POINT OF PURCHASE ADVERTISING TARGETING YOUTH**

Retail stores have long been an important component of the tobacco company marketing strategies. Tobacco retailers serve as the tobacco company's major

communication channel to reach present and future customers. The store environment exerts a unique influence to promote tobacco use as a desirable social norm because tobacco is both advertised and sold in these stores

WHEREAS, smoking is the number one cause of preventable death in the United States;; and

WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

WHEREAS, tobacco companies spend more than \$15 billion to market cigarettes in the United States; and

WHEREAS, children who report seeing cigarette advertising in stores are 38% more likely to have experimented with smoking; and

WHEREAS, Tobacco-Free Onondaga County has conducted a tobacco advertising survey and found that retailers in Onondaga County have an average of 33 exterior tobacco ads and 27 interior tobacco ads per store; and

WHEREAS, three out of four teenagers are reported to shop at convenience stores at least once a week, and are therefore exposed at high rates and with great frequency to tobacco marketing; and

WHEREAS, stores within 1000 feet of schools in New York were significantly more likely to place ads near candy displays and also had significantly more tobacco advertisements posted on the store exterior than stores further from schools; and

NOW, THEREFORE BE IT RESOLVED that the Town Board of the town of LaFayette hereby calls on retailers to reduce overall tobacco advertising in their place of business and to eliminate tobacco advertising from areas likely to be seen by children, including wall space below five feet, near candy displays, and on counter tops; and

BE IT FURTHER RESOLVED the Town Board of the Town of LaFayette hereby encourages law enforcement agencies throughout the Town of LaFayette to take appropriate measures to ensure all local, state and federal laws regarding advertising generally and the placement of tobacco advertising in general are observed.

Motion carried.

Councilor’s Shute moved and McConnell seconded the following Resolution:

TOWN OF LAFAYETTE
“Young Lungs at Play!” Tobacco-Free Parks Policy

Guideline Statement

The Town of LaFayette “Young Lungs at Play!” Tobacco-Free Parks Policy is designed to protect the health, welfare and safety of Town park patrons.

Legislative Findings

The Town of LaFayette recognizes the following facts as compiled by Tobacco-Free Onondaga County:

- 1) The number of estimated cigarette smokers in Onondaga County is 85,197 and the estimated number of packs of cigarettes smoked in Onondaga County is 47,018 per day.
- 2) In New York State, the tax burden from smoking-caused expenditures has been \$904.00 per household.
- 3) Onondaga County has, in the past, exceeded the New York State average for lung cancer mortality.

The Town further recognizes these additional facts, also as compiled by Tobacco-Free Onondaga County:

- 1) Cigarette butts are the most common form of litter, and cigarette butts are hazardous to children,, animals and the environment. Children who ingest discarded cigarette butts are at risk for toxic poisoning, choking, and burning.
- 2) Over 70 % of Onondaga County adult residents favor smoke-free parks and playgrounds, and 77% of Onondaga County smokers themselves believe that smoking in playgrounds should be eliminated.
- 3) In Onondaga County, 80% of the population does not smoke.

Policy Statement

The Town of LaFayette is committed to providing a high quality of living to all residents. The Town believes that:

- 1) There is no safe level of exposure to secondhand smoke. It can cause asthma, respiratory infections and cardiovascular disease. Children should be able to play and exercise in Town parks without being exposed to the harmful effects of secondhand smoke.
- 2) Tobacco product use in the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of both the participants and observers.
- 3) Tobacco products once consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to children and causing a litter problem.

Tobacco-Free Facilities

The Town of LaFayette does not allow the use of tobacco products on Town-owned park land, park facilities or open space.

Compliance Procedures

The enforcement of this policy is through voluntary compliance.

Appropriate Town-owned park land, park facilities and open space will be signed indicating that the designated areas are tobacco-free. Areas where tobacco use is permitted will be designated at the discretion of the Director of Parks and Recreation.

- 1) **Appropriate Town-owned Bailey Park, Stafford Park, Nature Preserve, Ropes Course, Athletic Fields, Tennis Courts, LaFayette Beach and Community Center will be signed indicating that the designated areas are tobacco-free. Areas where tobacco use is permitted will be designated at the discretion of the Director of Parks and Recreation.**
- 2) **The Town Director of Parks and Recreation will meet with the Town employees and officials, activity organizations, leaders and coaches to discuss the policy and to distribute information.**
- 3) **Town staff will be responsible for enforcing this policy and for promoting awareness of this policy.**

Resolution passed.

Councilor Shute said the representative said they would print up the signs however we wanted them.

Supervisor Scammell will let Jenny from Tobacco-Free Onondaga County know the Board adopted these resolutions.

F. STIMULUS ALTERNATIVES (LIST AND PRIORITIZE).

Supervisor Scammell asked about the Beach.

Councilor Knapp said the Beach does need work.

Ralph Lamson said maybe it's time to put in a new pool.

Kevin Gilligan said they will only look at how many jobs it creates.

G. OTHER.

Councilor Knapp asked if they need to worry about setbacks regarding the walking, jogging and biking paths.

Ralph Lamson said no.

Councilor Shute asked where the fence abuts Route 81, is that probably where their right-of-way goes to?

Ralph Lamson said probably.

Supervisor Scammell said he has heard back from 911 and the boundaries we use in our fire protection contracts are the same ones they have.

12. Suggestions for improvement and positive contributions.

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

Councilor’s McConnell moved and Knapp seconded the motion to go into Executive Session to discuss a contractual matter concerning labor with the town and to include the Town Attorney and Town Bookkeeper. Motion passed.

The Town Board went into Executive Session at 9:49 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 10:34 p.m.

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

SPECIAL DISTRICT FUND	#3397, 3434 - 3438
HIGHWAY DEPT. FUND	#3398 -3401
GENERAL FUND	#3408 – 3433

Motion carried.

15. **Motion passed.**

The Regular Town Board Meeting closed at 10:36 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Adopted 3/9/2009