

Minutes of the Regular Town Board Meeting held by the La Fayette Town Board on September 14, 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: Supervisor Gregory Scammell,  
Thomas Bailey, Councilman  
William Mc Connell, Councilman  
Adrian Shute, Councilman

Absent: David Knapp, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Thomas Chartrand, Bookkeeper  
Kevin Gilligan, Town Attorney  
Leon Cook, Highway Superintendent  
Jim Moore, D.C.O.  
Doug Scholes, Dep. D.C.O.  
Scott Kushner, Lib. Dir.  
Andrea King, Lib. Board  
Ryan Fisher, Fisher Engineering  
Steve Giarusso, Operating Officer Town of Minoa Water Systems

1. Supervisor Scammell called the Town Board Meeting to Order at 6:40 p.m.
2. The Town Clerk took the Roll. Councilor Knapp absent, all else present.
3. Pledge to our U. S. Flag led by Town Councilor Tom Bailey.
4. **Councilor Shute moved and Bailey seconded the motion to accept prior meeting Minutes of the August 24, 2009 regular meeting as submitted by the Town Clerk. Motion passed.**
4. **PUBLIC HEARINGS.**
  - **None.**
5. **COMMUNICATIONS.**
  - A. **RESIDENTS.**
  - B. **LABELLA ASSOCIATES: NYSERDA ENERGY EFFICIENCY STUDIES.**
  - C. **ONONDAGA COUNTY DEPARTMENT OF FINANCE: TAX DELINQUENT PARCELS.**

Supervisor Scammell asked if there was any interest in any of these parcels.  
There was none.

**D. ASSOCIATION OF TOWNS OF STATE OF NEW YORK: MEMBERSHIPS FEES.**

Supervisor Scammell noted the Membership Fees are \$999.

**Councilor's Bailey moved and McConnell seconded the motion to renew the membership with the Association of Towns in the amount of \$999. Motion carried.**

**E. NYS SENATOR JOHN DEFRANCISCO: DMV FEES UP 25%.**

**F. BILL MCCONNELL, EVENT COORDINATOR: THE APPLE RUN, 10.11.09.**

Supervisor Scammell asked if a Public Assembly Permit is needed for this.

Mary Jo said no as it falls under the Apple Festival which has already received one.

Councilor Bailey said the Onondaga County Sheriff's Dept. will be providing a deputy for this.

Councilor McConnell said emergency equipment will be provided by the Tully and LaFayette Fire Departments.

**G. NYS DOT: CENTRAL LAFAYETTE WATER DISTRICT, SEQR REQUIREMENTS.**

**H. OTHER.**

**6. SPECIAL REPORTS. Fisher Civil Engineering: Hamlet Sewer Study.**

Ryan Fisher said he has reviewed a septic system for the Hamlet area. He submitted a report and information to the Board. There's funding out there for these types of projects. He said the purpose of the project is to provide community sewer for the Hamlet area. Parcels in this area are not large enough to support septic systems. There is the possibility of contamination of drinking water. Soils need to be suitable, no bedrock, high groundwater, silty loams or clay soils. Leach fields eventually fail and need replacement areas. The service area would be based around the Hamlet. They are estimating 68 residential parcels, 34 commercial parcels and 9 vacant parcels for a total of 111 parcels. They are proposing the effluent sewer system. This utilizes septic tanks and conveys the septic tank effluent to a treatment system. It is cost effective to construct. Solids do not need to be handled by the treatment system. The treatment system would be a constructed submerged bed wetland. This is very simple to operate with minimal power. It provides a high level of treatment and is cost effective to construct. It is considered "green" infrastructure for funding opportunities. LaFayette will be within the Onondaga Lake Watershed so this limits the amount of Ammonia and Phosphorus that can be in the surface discharge of the treated effluent. If you choose a subsurface discharge it is limited by the available area for infiltration. The limits are not as strict and it could be easily achievable by constructed wetlands. Their recommendations are as follows:

- Pursue constructed wetlands with subsurface discharge.
- Limit service area to 4 corners area to minimize needed land area for subsurface disposal.
- Investigate potential properties for treatment system.
- Prepare formal Engineering Report.
- Submit applications for funding.

Steve Giarusso said the system in Minoa consists of 3 cells. They flow 130,000 gallons per day through this system. It's all done biologically. There's no water on top and no odors. It's all subsurface. In 13 years they have had zero down time. The DEC comes out and does a lot of research on this system. These systems have been around a long time but it's very new technology being used.

Supervisor Scammell asked how it works.

Steve Giarusso said by the micro-organisms living on the rocks underneath. These organisms eat the matter that is in the water so as it goes through, it breaks down. They are funneling 130,000 gallons through the system in 1.2 days.

Councilor McConnell asked if the water moving through it is moving on its own or being pushed.

Steve Giarusso said it's moving on its own. There is no electricity used at all. He invited everyone to come out and see the system in Minoa.

Councilor Bailey asked about the photo illustrated, what do you do to mitigate rainwater discharge so you don't have above ground surface saturation or ponding?

Steve Giarusso said as the rain comes down, the freshness of the rain seems to make it work better. As the cell fills up, you can only go to a certain level. There's no way you can flood it. There's a pipe at a certain level that will take out the excess water when it reaches it.

Leon Cook asked if people would have to move their septic tanks. Most of the homes involved have the septic tanks behind their homes.

Ryan Fisher said you want to be sure you have newer tanks that aren't leaking. If there's a tank in the backyard, you can bring the septic tank to the front yard. If their house is low, they would actually need a pump in their tank.

Supervisor Scammell asked about how much a new tank would cost.

Ryan Fisher said about \$1,200 installed. Once you have done the collection and treatment, you have the discharge. The two types of discharge are surface or subsurface. They recommend the subsurface but the challenge will be finding the place for it.

Councilor McConnell confirmed the sewer district would go from the intersection of Route 11 and 20 west to Route 81, east to LaFayette Road, north to the school and south to approximately Cazenovia Equipment.

Ryan Fisher said the thought was to look at something smaller so they could use a subsurface system.

Councilor McConnell asked who would do the testing on the water.

Steve Giarusso said you can train someone to do it. It's a simple test.

Supervisor Scammell asked if there is a minimal size to the district.

Ryan Fisher said no.

Supervisor Scammell confirmed it will be less than the 111 parcels.

Ryan Fisher said yes. He has looked at the soil maps and it doesn't look like there's that much area to do a constructed wetlands for the entire site which would require 3-5 acres. By sizing it down, you are looking at a 2-3 acre parcel needed.

Discussion took place regarding possible sites.

Councilor Bailey noted Steve Giarusso mentioned earlier that they are going through some experimentation in Minoa. What about some substances that might be contaminant substances? What would happen to the system?

Steve Giarusso said their system in Minoa can't handle any petroleum substances and pushes them right out the door. Because of the different types of bacteria that are put in the

constructed wetlands, there is a particular type that is living there that does break down petroleum into a simpler form and the other organisms continue to break it down and remediate it. That is one of the things they are experimenting with now. They are learning every day with this reactor.

Councilor Shute asked if gas or oil coming out of one of the garages in the Hamlet goes into the system, what happens?

Steve Giarusso said the restaurant should have a grease trap and the garages should have traps for gas, oil, separators. These are all presystem devices that should be in place prior to the system being put in. The Onondaga Lake Watershed is going to be increased to include LaFayette. He thinks at some point the town will have to do something because of Kennedy Creek.

Supervisor Scammell asked if they had any idea of the total cost.

Ryan Fisher said originally they had a cost of about 2 million dollars. The biggest part of this is doing the collection system.

Councilor McConnell asked how big the pipe would be.

Ryan Fisher said most of it would be 4" because it's a grey water system.

Councilor Shute asked the cost of the monitoring.

Steve Giarusso said you don't test every day. In Minoa they test twice a month. DEC will set your monitoring but it wouldn't be any stricter than Minoa. It could be once every 3 months.

Supervisor Scammell asked if they knew what questions we might ask people within the area to help us determine what parcels need to be in the district the most.

Ryan Fisher said sure. He thinks one of the biggest things would be the property size.

Councilor McConnell said one of the concerns he has is that we have requirements becoming tighter and tighter with SPDES and now that we will be in the Onondaga Lake Watershed, what do we do with those areas to treat them.

Councilor Bailey said he has read about willow shrubs. Is that good for the planning for these constructed wetlands?

Steve Giarusso said he can't really answer that. ESF is experimenting in this area.

Councilor Shute asked if we do a sewer district like this, would the cost have to fall under the comptrollers limits?

Kevin Gilligan said yes.

Councilor Shute asked if we find a way to bring it under the comptrollers limits and someone dumps gas into the system and we have to fix the system, would the cost to fix it bring it over the comptrollers limits?

Kevin Gilligan said this would be an operating and maintenance charge.

Councilor Shute confirmed it would be divided among those in the district.

Steve Giarusso said it would take a large amount of gasoline to kill a constructed wetland. Further discussion took place regarding the possibility of a catastrophe shutting the site down.

Councilor McConnell thinks we could get almost 100% funding for a sewer system if portrayed the correct way.

Ryan Fisher said it's one of those things you don't know until you apply for the funding.

Councilor McConnell said the constraints are getting tighter.

Ryan Fisher said you don't have to form a district until you know what funding is out there.

Councilor Shute asked why it's different for the water district than it is for a sewer district.

Kevin Gilligan said he didn't know.

Councilor McConnell said we just missed a deadline that needed a final engineering report.

Ryan Fisher said the one coming in October is for the DEC funding for water improvement which has now been opened up for wastewater.

Councilor McConnell asked him to talk about the one in October.

Ryan Fisher said he doesn't have the total amount but it's geared toward watersheds like Onondaga Lake. They opened it up to and are looking for people to apply for wastewater systems.

Councilor Shute asked if the land they are proposing to use for the constructed wetlands could be under sports field or something like that.

Ryan Fisher said he didn't know.

Councilor Bailey asked the load capacity. He knows you couldn't build anything on it.

Ryan Fisher didn't know.

Councilor Bailey said it looks like the district would go about 1200 feet up LaFayette Road. This would all be uphill. Why couldn't it go up higher?

Councilor McConnell said they used the Hamlet boundaries.

Leon Cook asked what type of rock they use for the bed.

Steve Giarusso said they call it wash river gravel. It's 2-3" round stones. They don't use shale or limestone.

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

## **7. REPORTS.**

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

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

- **Cold War veteran's exemptions – impact estimate.**
- **Local law draft.**

Supervisor Scammell asked if this needs to be done by a certain time.

Kevin Gilligan said he thinks it should be done by the end of the year. He said the Board must decide whether they want to use the \$8,000 or \$12,000 exemption. The County and Manlius are using the \$12,000. He thinks it would be easier to have the same rate as the county for the Assessors.

Supervisor Scammell said the exemptions we grant come from somewhere. If we were to pass this, he would be looking to restrain ourselves somewhere in the other ones when they come along to renew to try to absorb this.

Councilor McConnell asked if you were to pass this, does it change any other exemption or STAR that the person might have?

Kevin Gilligan said if you are already getting some other sort of Veterans Exemption, you can't get this one.

Councilor McConnell said of the 275 people in the town that might be eligible for this, would they get it? If you already have a Veterans Exemption, can you take this one instead of

that one? We might want to ask Marshall Taylor how many of the 275 will be eligible for this exemption.

Kevin Gilligan said if they are already getting another exemption, they can't get this.

Councilor McConnell thinks this would be a small number for our community.

Supervisor Scammell said he has a Veterans Exemption. It would not bother him at all to lessen his exemption to offset people getting this exemption. He would be O.K. going forward with this now knowing somewhere we need to collect the data to see how much we must decrease the other exemptions to make up for it.

It was decided to make it \$12,000 as this is the number the county is using.

**TOWN BOARD RESOLUTION  
TOWN OF LAFAYETTE  
SEPTEMBER 14, 2009  
Local Law D-2009**

**Councilor McConnell introduced proposed Local Law No. D-2009 regarding real property tax exemptions for Cold War Veterans and made the following Resolution, which was seconded by Councilor Bailey:**

**WHEREAS, New York State Real Property Tax Law allows local municipalities to adopt and permit certain real property tax exemptions for Cold War Veterans, and the Town Board of the Town of LaFayette desires to enact a local law in this regard; and**

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

**NOW, THEREFORE, it is**

**RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. D of 2009 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under SEQR; and it is further RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law D-2009 at the LaFayette Town Hall, 2577 Route 11, LaFayette, New York on October 26, 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:**

<b>William McConnell Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>Adrian Shute Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas Bailey Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>David Knapp Councilman</b>	<b>Voted</b>	<b>Absent</b>
<b>Gregory Scammell Supervisor</b>	<b>Voted</b>	<b>Yes</b>

**The foregoing Resolution was thereupon declared duly adopted.**

**TOWN OF LAFAYETTE  
PROPOSED LOCAL LAW NO. D-2009**

**A Local Law Providing for a Real Property Tax Exemption for Cold War Veterans in Accordance with New York State Real Property Tax Law § 458-b**

**Be it enacted by the Town Board of the Town of LaFayette, as follows:**

**Section 1. Purpose.**

**New York State Real Property Tax Law § 458-b allows local municipalities to establish a category of tax exemption for Cold War veterans. The State Law sets forth specific parameters for persons to qualify for such an exemption, as well as directions to municipalities as to the application of the Law. The Town Board of the Town of LaFayette desires to enact a local law in accordance with the State Law permitting qualified residents to receive this tax exemption.**

**Section 2. Definitions.**

**As used in this Local Law, the following terms shall have the meanings indicated:**

**Active Duty. Full-time duty in the United States Armed Forces, other than active duty for training.**

**Armed Forces. The United States Army, Navy, Marine Corps, Air Force, and Coast Guard.**

**Cold War Veteran. A person, male or female, who served on active duty for a period of more than 365 days in the United States Armed Forces during the time period from September 2, 1945 to December 26, 1991, was discharged or released therefrom under honorable conditions.**

**Latest Class Ratio. The latest final class ratio established by the State Board pursuant to Title 1 of Article 12 of the Real Property Tax Law for use in a special assessing unit as defined in Section 1801 of the Real Property Tax Law.**

**Latest State Equalization Rate. The latest final state equalization rate or special equalization rate established by the State Board pursuant to Article Twelve of the Real Property Tax Law. The State Board shall establish a special equalization rate if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special equalization rate exceed one hundred. In the event that the state equalization rate exceeds one hundred, then the state equalization rate shall be one hundred for the purposes of this exemption. Where a special equalization rate is established for purposes of this exemption, the assessor is directed and authorized to recompute the Cold War veterans exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment roll, notwithstanding the fact that such assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the assessor does not have custody of the roll when such recomputation is accomplished, the assessor shall certify such recomputation to the local**

**officers having custody and control of such roll, and such local officers are hereby directed and authorized to enter the recomputed Cold War veterans exemption certified by the assessor on such roll.**

**Qualified Owner.** A Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

**Qualified Residential Real Property.** Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this article. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five years.

**Service Connected.** With respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty on active military, naval or air service.

**Section 3. Amount of exemption.**

Pursuant to the provisions of Chapter 655 of the 2007 Laws of the State of New York amending the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-b of the Real Property Tax Law is established as follows:

- A. **Qualifying Residential Real Property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided however, that such exemption shall not exceed \$12,000.00 or the product of \$12,000.00 multiplied by the Latest State Equalization Rate for the Town of LaFayette, or, in the case of a special assessing unit, the Latest Class Ratio, whichever is less.**
- B. **In addition to the exemption provided by Subsection A of this Section, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States Department of Defense because of a Service Connected disability, Qualifying Residential Real Property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000.00, or the product of \$40,000.00 multiplied by the Latest State**



**Equalization Rate for the Town of LaFayette, or, in the case of a special assessing unit, the Latest Class Ratio, whichever is less.**

**Section 4. Limitations.**

- A. The exemption from taxation for Cold War Veterans shall be applicable to county and town taxation, but shall not be applicable to taxes levied or relieved for school purposes.**
- B. If the Cold War veteran receives the exemption under Sections 458 or 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this Local Law.**
- C. The exemption provided by this Local Law shall be granted for a period of 10 Years. Where a qualified owner owns Qualifying Residential Real Property on the effective date of this Local Law such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this local law. Where a qualified owner does not own Qualifying Residential Real Property on the effective date of this Local Law, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of Qualifying Residential Real Property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential real property, such 10 year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such 10 year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subsection for the unexpired portion of the 10 year exemption period.**
- D. Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the State Board. The owner or owners shall file the completed form in the Assessor's Office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the Penal Law.**

- E. This Local Law applies to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for the exemption, pursuant to the Real Property Tax Law, were such person or persons the owner or owners of such real property.**
- F. Cooperative apartment corporations.**
  - a. Title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share(s) of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.**
  - b. Provided that all other eligibility criteria are met, that proportion of the assessment of real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation and any exemption shall be credited by the Town of LaFayette against the assessed valuation of such real property; the reduction in real property taxes realized shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.**
  - c. Notwithstanding Subsection b of this Section, a tenant-stockholder who resides in a dwelling that is subject to the provisions of Article 2, 4, 5 or 11 of the Private Housing Finance Law shall not be eligible for an exemption.**

**Section 5. Effective Date.**

**This Local Law shall take effect upon its filing with the New York Secretary of State.**

- 2) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.**
  - a. 3448 Route 11 – court and cleanup.**
  - b. 3448 Route 11 – cleanup.**
  - c. 3231 Webb Road. House in disrepair (spring cleanup).**
  - d. Oschner Road – junk.**
  - e. LaFayette Beach capacity determination.**
  - f. Monthly report.**
  - g. Other.**
- 3) Dog Control: Jim Moore & Doug Scholes.**

- **Public Access Leash Law – draft.**

Councilor Shute thought we were just looking at changing one of the words in the code.

Kevin Gilligan said we had talked about trying to come up with something regarding aggressive dog regulations. He talked to Ag. & Markets who advised this is illegal. They said if it's an aggressive dog, it's a dangerous dog so follow the dangerous dog route. The other thing they suggested for the parks is you pass a limited leash law. If a dog is loose and causing problems at the park, the DCO can pick the dog up.

Jim Moore asked if we can include Jamesville Beach in this even though it's county run.

Kevin Gilligan doesn't believe we are empowered to enforce the law in the county park. In general, he would not respond to complaints in the county park.

Councilor Bailey would suggest having a routine agreement with the county that if our DCO is going to be called out, the county will be billed for our DCO's services. He wouldn't have a problem with this as long as we have an agreement determining the costs.

Jim Moore is in favor of going through with the leash law for the parks. There are certain areas in town that have bad problems with dogs and other areas that don't.

Kevin Gilligan confirmed we would be looking at just a leash law for the parks.

Councilor Shute said they take the kids to the park a lot and he's never seen a dog off the leash there. He thinks parks are places you can play Frisbee or something like that with your dog.

Doug Scholes doesn't think the intent of the law is to stop this. The intent is dogs roaming around the parks. If you have your dog at the park playing with it, the dogs is under the owners control by your voice or a leash.

The Board decided they wanted to review the leash law a little more.

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

Leon Cook said back in late June or early July Dave Knapp came to him and said they had a problem with the turn-around on Eager Road for the Feher truck as it can't get underneath the railroad bridge. He told Dave what it would cost to do the turn-around and he hasn't heard any more about it. The salesman for Feher keeps asking him about this. Right now they are turning around in a driveway which they won't be able to do come winter. he wants the Board to know it's getting pretty late in the season to start building turn-arounds.

Councilor Bailey asked if there's any language in the SOTS contract that addresses this.

Leon Cook thinks the question was who would pay for this.

Supervisor Scammell asked what it would cost.

Leon Cook said he didn't bring the numbers with him. He thinks it was around \$1100 to \$1200.

Councilor McConnell asked where it would be.

Leon Cook said it would be right across the road from the old Brandt property.

Councilor Bailey said to see if Feher would split the bill with the town.

Councilor Shute asked how many people are in that area.

Leon Cook thinks 6.

Supervisor Scammell said he will put this on the agenda for the next meeting.

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

a. **Monthly report.**

b. **Ventilation and temperature control.**

c. **Copy of audit to Unified Court System (DK/MJ).**

Mary Jo said this can be removed as a letter was sent regarding this matter.

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

- **Monthly report – June - Aug.**

Written reports were submitted.

- **Renovate vs Purchase.**

Councilor Shute said he talked to Vince Maher about the building next door. He came up with a cost of \$600,000. He thinks this is contingent upon the rest of the people leaving. There would still be some renovation costs.

Scott Kushner said a rough estimate for construction of an addition to this building would be approximately 2 million dollars. If they were to go with renovation of a new building the approximate cost would be approximately 1,413,750 plus the cost of the building. The original agreement between the town and the library said the library made a contribution of \$194,000 towards the initial purchase of this building.

Councilor Shute said the cost would be less for taking over a building than to put an addition on.

Supervisor Scammell asked what the library would prefer.

Scott Kushner said there's pros and cons to do an addition or for purchasing a building. If they were going in the direction of taking over this whole building, he thinks this would be the easiest. One of the concerns was to have a larger meeting room. They would have to do very little renovation upstairs.

Councilor McConnell asked what is driving the need for space. The children usage has decreased quite dramatically over the past 4 years. Is it people using more computers, etc?

Scott Kushner said usage is down in some areas. He believes they need to analyze what they need. The original idea is they want a bigger meeting room. Based on the analysis of their collection, they need more space.

Councilor Shute agrees it really is cramped in there regarding the little kids area, especially if there's a program going on for them.

Supervisor Scammell agrees that it's really squeezed down there sometimes when he goes down.

Councilor Bailey thinks you get people who come in to browse through the stuff and just hang out too.

Scott Kushner said they would have to wait until the next grant cycle to see if they can get grants. They will have a few months to figure out what to do.

Councilor McConnell agrees the library is constrained for space. If he had to reach a decision tonight, he would probably recommend purchasing the building next door. You would have to do a dollar to dollar analysis. His view would be to look at a separate facility rather than expanding this one. He thinks we would be inviting more problems trying to add on to this facility.

Scott Kushner said what would happen to their original agreement with the town.

Councilor McConnell asked if there is any outside opportunities to fund a large acquisition like this.

Scott Kushner said he would have to look into this. The areas he has investigated to this point were for construction grants. He thinks the next step would be to see if people would support purchasing a building.

- **Needs Assessment Report.**  
A copy of this was given to the Board.

- 7) **Recreation Director: Regina Reinschmidt.**
  - a. **Monthly report.**
  - b. **Beach capacity sign.**

- 8) **Ropes Course: Sandy Smith.**
  - a. **Access maintenance/easements (BM).**
  - b. **Trail maintenance (KC & JC).**
  - c. **Director's certification.**
  - d. **Course Usage Fees.**

Councilor Bailey asked Tom Chartrand about payments that are made over \$600. Doesn't the IRS require 1099's to be mailed if it's over this amount?

Tom Chartrand said we issue a check to the business who is responsible for the 1099's for their employees. We write a check directly to the dba and he will issue them a 1099.

Councilor Shute asked if he is happy with this from an accounting standpoint.

Tom Chartrand said we are getting a lot more information than we were before.

- 9) **Tax Collector: Mary Doster.**
- 10) **Town Clerk: Mary Jo Kelly.**
  - **Monthly report – August.**  
A written report was submitted.

- **ToL – LPL lease.**

- 11) **Town Supervisor: Greg Scammell.**
  - **Monthly reports.**

D. **COMMITTEE (2<sup>nd</sup> Monday).**

- 1) **Agriculture (Dave Knapp & Mary Jo Kelly).**
- 2) **Communications & Technology (Mike Forte, Pat Keefe, Mary Jo Kelly, Marshall Taylor, & Greg Scammell).**
  - 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.**

c. **Multi-Jurisdictional Hazard Mitigation Plan.**

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. **Redo planters at hamlet four corners, coordinate w.LCS, explore grants (RB & LC).**

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).**

• **ISO/PPC rating for LFD.**

Councilor Shute said Jim Stoddard from Haylor Freyer and Coon came out. Jim would like to have someone come and do a presentation at the next Town Board Meeting. Councilor Shute thinks we need to find a situation where we have somebody taking care of our account that we can ask questions to.

Supervisor Scammell said just to get him the name for the agenda.

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

a. **Programmable thermostats. Completed.**

b. **Fire & smoke alarms at Town Offices (1<sup>st</sup> & 2<sup>nd</sup> floor) & Community Center. Code requirements (Rick Storrier/DK).**

c. **Town offices - Loose clapboards – estimate needed (DK).**

d. **Community Center basement flooding – masonry pointing, window blocking, backfilling and trenching.**

e. **Community Center phone jack and wall extension for Regina.**

This is being taken care of.

f. **Copier: RFP (MJ).**

This is being put on hold until our Service Agreement with Xerox runs out in June of next year.

g. **Stafford Park pole, flag light, bathroom light.**

Councilor Shute said this has been completed.

h. **Town offices carpeting – clean or replace?**

Supervisor Scammell said the Justice Dept. asked if some ventilation holes could be installed between the clerks and judges offices and the Meeting Room.

i. **Community Center – vandalism.**

Supervisor Scammell said someone has kicked out some of the stiles on the railing. The Board was in favor of having Joann Moore include this area on her park patrols. Supervisor Scammell will let Jim and Joann know.

Councilor McConnell suggested adding Steve Beggs inquiry regarding the front door being handicapped accessible to the agenda under the Physical Plant section.

Supervisor Scammell will do this. One option is to have a button that people can press and the last person out must shut it off. The other option is to use a card. Maybe Fred Groth would have some other options. He will talk to Fred about this.

**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).**

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

Councilor McConnell gave an update on the renovations at the schools.

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

- **Legislative relief appeal.**

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

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

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.**

**8. LITIGATION & OTHER LEGAL MATTERS.**

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

**B. PENDING ZONING ISSUES LIST.**

**C. BUILDING CODE REVISIONS.**

Kevin Gilligan said Ralph Lamson had some suggestions on these. These revisions are required by New York State. Under Local Law A it clarifies that the Codes Enforcement Officer and his Deputy are also acting as Zoning Enforcement Officers. Under Local Law B clarifies the Town’s intent to include the Codes Enforcement Officer among those Town Officials authorized to issue appearance tickets. Under Local Law C it enacts all of the new requirements for our Town Building Code provisions while keeping those items which were not inconsistent. Ralph Lamson suggests on page 3 (i.) be eliminated as steps could fall into this category. He also pointed out in Section B there is an exception for structures that are 144 square feet or less. In our first draft it said 140 square feet which was a typo.

Councilor McConnell asked if SPDES will also be included in this.

Kevin Gilligan said no. SPDES is covered under the SPDES legislation.

It was decided to add the words “or steps” after (ii) on page 3 of Local Law C.

**TOWN BOARD RESOLUTION**

**September 14, 2009**

**Councilor Shute introduced proposed Local Law No. A-2009, “A Local Law to Consolidate the Positions of Codes Enforcement Officer and Zoning Officer in the Town of LaFayette” and made the following motion, which was seconded by Councilor McConnell:**

**WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette;**

**WHEREAS, the proposed legislation is not an “action” within the meaning of the New York State Environmental Quality Review Act (SEQR).**

**NOW, THEREFORE, it is**



**RESOLVED**, that the Town Board shall conduct a public hearing as to the enactment of proposed Local law No. A-2009 at the Town Hall, 2577 Route 11, LaFayette, New York on October 26, 2009 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

<b>William McConnell, Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>Adrian Shute, Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas Bailey, Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>David Knapp, Councilman</b>	<b>Voted</b>	<b>Excused</b>
<b>Gregory Scammell, Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing Resolution was thereupon declared duly adopted.

**TOWN OF LAFAYETTE  
PROPOSED LOCAL LAW A-2009  
A LOCAL LAW TO CONSOLIDATE THE POSITIONS OF  
CODE ENFORCEMENT OFFICER AND ZONING OFFICER  
IN THE TOWN OF LAFAYETTE**

Be it enacted by the Town of LaFayette, that this Local Law shall consolidate the offices of Code Enforcement Officer and Zoning Officer, as follows:

**Section 1.**

**Powers and Duties – Code Enforcement Officer**

- A. The Code Enforcement Officer and any Deputy Code Enforcement Officer shall act as Building Inspector and Zoning Enforcement Officer and shall possess all of the powers authorized to such officer by virtue of the Town of LaFayette zoning Ordinance or by any other law, ordinance, rule or regulation pertaining to the Town of LaFayette.

**Section 2.**

This local law shall take effect immediately upon its filing with the New York Secretary of State.

**TOWN BOARD RESOLUTION  
September 14, 2009**

Councilor Shute introduced proposed Local Law No. B-2009, “A Local Law Amending Local Law No. 101983 to Add the Town Code Enforcement Officer as an Official Authorized to serve Appearance Tickets in the Town of LaFayette” and made the following motion, which was seconded by Councilor McConnell :

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette;

**WHEREAS, the proposed legislation is not an “action” within the meaning of the New York State Environmental Quality Review Act (SEQR).**

**NOW, THEREFORE, it is**

**RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local law No. B-2009 at the Town Hall, 2577 Route 11, LaFayette, New York on October 26, 2009 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.**

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

<b>William McConnell, Councilman</b>	<b>Voted</b>	<b>Yes</b>	
<b>Adrian Shute, Councilman</b>	<b>Voted</b>	<b>Yes</b>	<b>Yes</b>
<b>Thomas Bailey, Councilman</b>	<b>Voted</b>	<b>Yes</b>	<b>Yes</b>
<b>David Knapp, Councilman</b>	<b>Voted</b>	<b>Excused</b>	
<b>Gregory Scammell, Supervisor</b>	<b>Voted</b>	<b>Yes</b>	

**The foregoing Resolution was thereupon declared duly adopted.**

**TOWN OF LAFAYETTE  
PROPOSED LOCAL LAW B-2009**

**A LOCAL LAW AMENDING LOCAL LAW NO. 1-1983 TO  
ADD THE TOWN CODE ENFORCEMENT OFFICER AS  
AN OFFICIAL AUTHORIZED TO SERVE APPEARANCE  
TICKETS**

**Section 1.**

**Section 2 of Local Law 1-1983 is amended to add the Town of LaFayette Code Enforcement Officer as a Town Official duly authorized to issue and serve appearance tickets.**

**Section 2.**

**This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State of the State of New York.**

**TOWN BOARD RESOLUTION  
September 14, 2009**

**Councilor Shute introduced proposed Local Law No. C-2009, “A Local Law Updating Ratifying and Adopting Regulations Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of LaFayette and Repealing Previous Regulations” and made the following motion, which was seconded by Councilor McConnell:**

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

**NOW, THEREFORE, it is**

**RESOLVED AND DETERMINED, that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of proposed Local Law C-2009 is a Type II action and will have no significant effect on the environment in accordance with 6 NYCRR Part 617, thus concluding the environmental review process; and it is further**

**RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local law No. C-2009 at the Town Hall, 2577 Route 11, LaFayette, New York on October 26, 2009 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.**

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

<b>Adrian Shute, Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas Bailey, Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>David Knapp, Councilman</b>	<b>Voted</b>	<b>Excused</b>
<b>Gregory Scammell, Supervisor</b>	<b>Voted</b>	<b>Yes</b>

**The foregoing Resolution was thereupon declared duly adopted.**

## **TOWN OF LAFAYETTE PROPOSED LOCAL LAW NO. C-2009**

**A Local Law Updating Ratifying and Adopting Regulations  
Providing for the Administration and Enforcement of the  
New York State Uniform Fire Prevention and Building Code  
in the Town of LaFayette and Repealing Previous Regulations**

**Be it enacted by the Town Board of the Town of LaFayette, as follows:**

### **Section 1. Purpose and Intent.**

**This Local Law shall provide for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (“Uniform Code”) in the Town of LaFayette. This Local Law is adopted pursuant to Section 381 of Article 18 of the Executive Law and in accordance with Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this Local Law, state law, or within the Uniform Code, all premises located within the Town of LaFayette, regardless of use, are subject to those provisions. This Local Law shall also incorporate amendments to the Uniform Code, 19 NYCRR, Part 1203 adopted by New York State in 2007.**

**Section 2. Intermunicipal Contracts.**

**The Town Board may, by resolution, authorize the Town Supervisor to enter into a contract with other governments or agencies, which are properly authorized and certified by New York State, to carry out the terms of this Local Law.**

**Section 3. Restrictions on Employees.**

**No Code Enforcement Officer or Deputy Code Enforcement Officer shall engage in any activity inconsistent with such officer's duties or with the interests of the Town of LaFayette; nor shall such officer, during the course of such officer's employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof with the Town of LaFayette.**

**Section 4. Code Enforcement Officer, Duties and Powers.**

- A. The office of Code Enforcement Officer is hereby created and shall be administered by an appointee of the Town Board. The Code Enforcement Officer shall, within the time constraint prescribed by law, obtain such training as the State of New York shall require for code enforcement officers.**
- B. In the absence of the Town Code Enforcement Officer, or in the case of such officer's inability to act for any reason, the Town Supervisor shall have the power, with the consent of the Town Board, to designate a person, partnership, business corporation or similar firm to act on behalf of the Code Enforcement Officer and to exercise all of the powers conferred upon such Code Enforcement Officer by this Local Law.**
- C. The Town Supervisor, with the approval of the Town Board, may appoint one Deputy Code Enforcement Officer or more as the need may appear, to act under the supervision and direction of the Code Enforcement Officer and to exercise any portion of the powers and duties of the Code Enforcement Officer as directed by him.**
- D. Any such person, partnership, business corporation or similar firm designated to act on behalf of the Code Enforcement Officer and any such Deputy Code Enforcement Officer appointed to act under the supervision and direction of the Code Enforcement Officer, shall have qualifications comparable to those of an individual who has met the requirements of Part 434 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York.**

- E. The compensation for the Code Enforcement Officer, acting Code Enforcement Officer and Deputy shall be fixed and adjusted as from time to time by the Town Board.**
- F. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code and the provisions of this Local Law, including receiving Building Permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Town Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Town Board. The Code Enforcement Officer is authorized to pursue administrative actions and, in consultation with the Town Attorney, legal action as necessary to abate conditions not in compliance with the Uniform Code, this Local Law, or other laws, rules or regulations of the Town of LaFayette or of the State of New York.**

**Section 5. Building Permit.**

**A. Permits required:**

**1. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid fuel burning heating appliance, chimney or flue in any dwelling unit without first having obtained a permit from the Code Enforcement Officer.**

**2. Building Permits shall be required for any work which must conform to the Uniform Code, with the exception of the following:**

- a. repairs and/or alterations to existing buildings, provided that such repairs and/or alterations:**
  - i. cost less than \$10,000,**
  - ii. do not involve the removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component or steps,**
  - iii. do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exist,**
  - iv. do not involve the enlargement, alteration, replacement or relocation of any building systems,**

- v. do not involve the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress, and
  - vi. do not include the installation of solid fuel burning heating appliances and associated chimneys and flues;
- 
- b. construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, and are not intended for use as quarters for living sleeping, eating or cooking, provided the gross floor area does not exceed 144 square feet;
  - c. installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - d. installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwelling (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
  - e. installation of fences which are not part of an enclosure surrounding a swimming pool;
  - f. construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
  - g. construction of temporary motion picture, television and theater stage sets and scenery;
  - h. installation of window awnings supported by an exterior wall of a one- or two- family dwelling or multiple single-family dwellings (townhouses);
  - i. installation of partitions or movable cases less than 5' 9" in height;

- j. painting, wallpapering, tiling, carpeting, or other similar finish work;**
- k. installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;**
- l. replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or**
- m. non-residential farm buildings, including barns, sheds, poultry houses, and other buildings used directly and solely for agricultural purposes.**

**B. Application for a Building Permit.**

- 1. The application for a Building Permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended works accords with the requirements of the Uniform Code.**
- 2. The form of the Building Permit and application therefore shall be prescribed by the Code Enforcement Officer. The application shall be signed by the owner, or his duly authorized agent, of the building and shall contain at least the following:**
  - a. full name and address of the record owner and if by a corporation the name and addresses of the responsible officers,**
  - b. full name and address of the contractor and/or architect;**
  - c. tax map number and address of the property on which the work is to be done,**
  - d. description of the use or occupancy classification of any affected building or structure,**
  - e. description of the proposed work,**

- f. where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code,
  - g. three (3) sets of construction documents (drawings and/or specifications) that define the scope of the proposed work, and
  - h. the required fee.
- 3. **Construction documents will not be accepted as part of an application for a Building Permit unless such documents:**
  - a. are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
  - b. indicate with sufficient clarity and detail the nature and extent of the work proposed;
  - c. substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code; and
  - d. where applicable, include a site plan that shows any existing and proposed structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the structures and the lot lines.
- 4. **Construction documents accepted as part of an application will be so marked in writing or by stamp. Two (2) sets of accepted construction documents shall be retained by the Code Enforcement Officer and one (1) set shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Officer.**



5. **Applications for a Building Permit shall be filed with the Code Enforcement Officer. If the application, together with the plans, specifications, and required documents, does not conform to all requirements of the applicable regulations, the Code Enforcement Officer shall disapprove the same and return the plans and specifications to the applicant. Upon request of the applicant, the Code Enforcement Officer shall cause such refusal together with the response therefore, to be transmitted to the applicant in writing.**
6. **The Code Enforcement Officer may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise unnecessary.**
7. **Applicant shall notify the Code Enforcement Officer of any changes in the information contained in the application during the period for which the Building Permit is in effect. A Building Permit will be issued when the Code Enforcement Officer has determined that the application is complete and the proposed work conforms to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer prior to the commencement of such change or work.**

**C. General Requirements.**

1. **A Building Permit issued pursuant to this Local Law shall be prominently displayed on the property or premises to which it pertains and shall remain so displayed until the project has been completed.**
2. **A Building Permit issued pursuant to this Local Law shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application. A Building Permit shall also contain a directive that the Code Enforcement Officer shall be notified immediately in the event of changes during construction.**

3. **If it is determined that the work to which the Building Permit pertains is not proceeding in conformance with the Uniform Code, or with any condition attached to such Building Permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for which the Building Permit was issued, a Building Permit may be suspended or revoked until such time as the permit holder demonstrates that all of the work completed and all of the work proposed shall be in compliance with the applicable provisions of the Uniform Code.**
4. **A Building Permit issued pursuant to this Local Law shall expire one (1) year from the date of issuance or upon the issuance of a Certificate of Occupancy, which occurs first. The Building Permit may, upon written request, be renewed for successive one (1) year periods provided that:**
  - a. **the Building Permit has not been revoked or suspended at the time the application for renewal is made,**
  - b. **the relevant information in the application is current, and**
  - c. **the renewal fee is paid.**
5. **A Building Permit issued pursuant to this Local Law shall not be transferable.**

**Section 6. Certificate of Occupancy or Certificate of Compliance.**

- A. **A Certificate of Occupancy shall be required for all work for which a Building Permit is required to be issued under Subdivision A(2) of Section 5 of this Local Law. A Certificate of Compliance shall be required for all buildings which are converted from one use or occupancy classification or subclassification to another, as defined in Part 701 of Title 9 of the Official Compilation of Codes, Rules and Regulations. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or a Certificate of Compliance.**
- B. **Issuance of a Certificate of Occupancy or a Certificate of Compliance shall be preceded by an inspection of the building, structure or work.**

**Where applicable, a written statement of structural observations and/or a final report of special inspections, prepared in accordance with the provisions of the Uniform Code, must be received prior to the issuance of the Certificate. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code, must be received prior to the issuance of the Certificate. A Certificate of Occupancy or a Certificate of Compliance shall contain the following information:**

- 1. The Building Permit number, if any;**
- 2. The date of issuance of the permit, if any;**
- 3. The name, address and tax map number of the property;**
- 4. If the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;**
- 5. The use and occupancy classification of the structure;**
- 6. The type of construction of the structure;**
- 7. The assembly occupant load of the structure, if any;**
- 8. If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;**
- 9. Any special conditions imposed in connection with the issuance of the Building Permit; and**
- 10. The signature of the Code Enforcement Officer and the date of issuance.**

**C. Temporary occupancy. A certificate allowing the temporary occupancy of a structure may not be issued prior to the completion of the work which is the subject of a Building Permit unless the structure or portions thereof may be occupied safely, any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and all required means of egress from the structure have been provided. The effectiveness of a temporary certificate shall expire three (3) months from the date of issuance, during which period the permit holder shall undertake to bring the structure into full compliance with applicable provisions of the Uniform Code. A temporary certificate may be renewed an indefinite number of times.**

- D. A Certificate of Occupancy or a Certificate of Compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a specified period of time.**

**Section 7. Inspection.**

**A. Inspections during construction.**

- 1. Work for which a Building Permit has been issued hereunder shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. It shall be the responsibility of the owner, applicant, or an authorized agent to inform the Code Enforcement Officer that the work is ready for inspection, and to schedule such inspection.**
- 2. Provisions shall be made for the inspection of the following elements of the construction process, where applicable:**
  - a. work site prior to the issuance of a Building Permit,**
  - b. footing and foundation,**
  - c. preparation for concrete slab,**
  - d. framing,**
  - e. building systems, including underground and rough-in,**
  - f. fire resistant construction,**
  - g. fire resistant penetrations,**
  - h. solid fuel burning heating appliances, chimneys, flues or gas vents,**
  - I. energy code compliance, and**
  - j. a final inspection after all work authorized by the building permit has been completed.**

3. **After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Building Permit holder shall be notified as to where the work fails to comply with the Uniform Code. Construction work not in compliance with Code provisions shall be required to remain exposed until it has been brought into compliance with the Code and been found satisfactory as completed.**
4. **If entrance to make an inspection is refused or cannot be obtained, the Town Supervisor, after being notified by the Code Enforcement Officer of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.**

**B. Fire Prevention and Safety Inspections.**

1. **Multiple dwellings shall be inspected for the purpose of determining compliance with fire prevention and housing maintenance requirements of the Uniform Code at least once every thirty-six (36) months. Inspections of such buildings shall include, but not be limited to, the common areas such as halls, foyers, staircases, and vacant dwelling units. Where the tenants of occupied dwelling units allow, the inspection may include such units.**
2. **Fire safety inspections of buildings or structures having areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, Rules and Regulations shall be performed at least once in every twelve (12) months.**
3. **All other buildings, uses and occupancies (except one to two family dwellings) shall be inspected at least once in every twenty-four (24) months.**
4. **An inspection of a building or dwelling unit may also be performed at any other time upon:**
  - a. **the request of the owner, authorized agent, or tenant,**
  - b. **receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists, or**

- c. **other reasonable and reliable information that such violations exist.**
- 5. **Such inspections shall be performed by the Code Enforcement Officer.**
- 6. **Procedures shall be established for the chief of any fire department providing fire fighting services for a property to notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.**

**Section 8. Stop Work Orders.**

- A. **Whenever the Code Enforcement Officer has reason to believe that the work on any building or structure is being performed in violation of the Uniform Code, the applicable building laws, Ordinances, rules or regulations, or not in conformity with the provisions of any application, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit, such officer shall issue a Stop Work Order and shall provide written notification to the owner of the property, or the owner's agent, to suspend all work and suspend all building activities until the Stop Work Order has been rescinded.**
- B. **A Stop Work Order shall state the reason for its issuance and the conditions which must be satisfied before work will be permitted to resume.**
- C. **Such Stop Work Order and notice may be served upon a person to whom it is directed either by delivering it personally or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to such person by registered mail at the address set forth in the application for the permission of the construction of such building.**

**Section 9. Operating Permits.**

- A. **Operating permits shall be required for conducting the activities or using the categories of buildings listed below:**
  - 1. **Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of**

**the Fire Code of New York State (see 19 NYCRR Part 1225);**

- 2. Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;**
  - 3. Use of pyrotechnic devices in assembly occupancies;**
  - 4. Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and**
  - 5. Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government or agency charged with or accountable for administration and enforcement of the Uniform Code.**
- B. Parties who propose to undertake the type of activities or operate the types of buildings listed in Paragraph A of this Section shall be required to obtain an operating permit prior to commencing such operation. An application for an Operating Permit shall contain sufficient information to permit a determination that quantities, materials and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required.**
- C. An inspection of the premises shall be conducted prior to the issuance of an Operating Permit.**
- D. A single Operating Permit may apply to more than one hazardous activity.**
- E. Operating Permits may remain in effect until reissued, renewed or revoked or may be issued for a specified period of time consistent with local conditions.**
- F. Where activities do not comply with applicable provisions of the Uniform code, an Operating Permit shall be revoked or suspended.**

**Section 10. Fees.**

**A fee schedule shall be established by resolution of the Town Board. Such fees may charge for the issuance, and renewals thereof, of Building Permits, Certificates of Occupancy, Certificates of Compliance, Operating Permits and Fire Safety Inspections.**

**Section 11. Complaints.**

- A. Complaints asserting that certain conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for the administration and enforcement of the Uniform Code shall be directed to the Code Enforcement Officer. When deemed appropriate by the Code Enforcement Officer, such complaints will result in an inspection of the conditions and/or activities alleged to be in violation of the aforementioned Code or the local laws, ordinances and/or regulations.**
  
- B. Complaints shall be submitted to the Code Enforcement Officer in writing, on a form provided by said Code Enforcement Officer, and, in order to constitute a bona fide complaint mandating review, shall include the following information:**
  - 1. The full name, address and telephone number of the complainant;**
  
  - 2. A description of the alleged violation;**
  
  - 3. The date and time of the alleged violation;**
  
  - 4. The address and tax map number of the property in alleged violation; and**
  
  - 5. A reference to the applicable law allegedly violated.**
  
- C. Complaints shall be reviewed and investigated by the Code Enforcement Officer or his duly authorized representative for a determination of the validity of the complaint. Such Code Enforcement Officer or duly authorized representative shall thereafter indicate on the aforementioned complaint form the corrective action required.**
  
- D. The Code Enforcement Officer shall establish and maintain a written record of such examinations, inspections and Operating Permits and of the fees charged and collected, if any.**

**Section 12. Violations.**



- A. Upon determination that a violation of the Uniform Code or this Local Law exists in, on or about any building or premises, the Code Enforcement Officer shall order in writing the remedying of the condition. Such order shall identify the property or premises, state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail. Appeals may be rendered pursuant to Section 381 to the Executive Law.**
- B. In addition to those penalties prescribed by state law, any person, firm, corporation, association, or partnership who violates any provision of the Uniform Code or any rule or regulation of this Local Law, or terms or conditions of any Certificate of Occupancy issued by the Code Enforcement Officer, shall be liable to a civil penalty of not more than \$500.00 for each day or part thereof during which such violation continues beyond any time that may be granted to achieve compliance as provided in the foregoing Section 13(A). Each act committed in violation of any provision of this Local Law shall constitute a separate offense. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town Board on its own initiative at the request of the Code Enforcement Officer.**
- C. Alternatively or in addition to an action to recover the civil penalties provided by subsection (B), the Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms of conditions of any Certificate of Occupancy issued by the Code Enforcement Officer.**

**Section 13. Department records and reports.**

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fee charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Town Board, and notices and orders issued. All such records shall be retained for at least the minimum time period so required by state law and regulation.**
- B. The Code Enforcement Officer shall submit monthly to the Town Board a written report and summary of all business conducted by the Building Department, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.**

- C. **The Code Enforcement Officer shall submit annually to the Secretary of State, on a form prescribed by the Secretary, a report of its activities relative to the administration and enforcement of the Uniform Code. Upon request of the Department of State, the Code Enforcement Officer shall provide from the records and related materials it is required to maintain excerpts, summaries, tabulations, statistics and other information and accounts of its activities in connection with the administration and enforcement of the Uniform Code. Failure to produce the requested materials shall permit an inference that the minimum standards of Part 1203 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York have not been met.**

**Section 14. No waiver of assumption of liability.**

**This Local Law shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure within the Town of LaFayette for loss of life or damage to person or property caused by any defect therein, nor shall the Town of LaFayette be deemed to have assumed any such liability by reason of any inspection made pursuant to this Local Law.**

**Section 15. Separability.**

**If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of LaFayette hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.**

**Section 16. Repeal.**

**Local Law 3-1998, titled “A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code; a Resolution dated February 9, 1998 related to Temporary Certificates of Occupancy, Local Law 1-1993, titled “A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code”, and Local Law 2-1983, titled “A Local Law Amending Local Law 1-1982 (relating to the administration and enforcement of the State Fire Prevention Code)” and Local Law 1-1982, titled “A Local Law Administration and Enforcement of the State Fire Prevention Code” together with all other Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.**

**Section 17. Effective Date.**

**This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.**

**D. OTHER.**

**9. UNFINISHED BUSINESS & ACTIVE PROJECTS.**

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

- **Stafford Park – accepted, to be bid.**

**B. COMMUNITY DEVELOPMENT GRANT APP – 2009, SUBMITTED.**

**C. STIMULUS PROJECTS.**

**1) Central LaFayette Water District.**

Councilor McConnell said Neighbors East would like to do a short article on the water district. He would like to have John Langey present to do the interview with him.

The Board was in agreement with this.

**2) LaFayette Hamlet Sewer District.**

**3) Highway Garage.**

**4) LaFayette Beach Renewal.**

**5) LaFayette Public Library/Town Offices (SK, AS & GS).**

**6) Winacre Drive.**

**7) Webster Road Bridge.**

**D. FOR TB REVIEW.**

- **Leash law draft – read, review and discuss.**

**E. CARDIFF CEMETERY RESTORATION. In process.**

**10. NEW BUSINESS.**

**A. RX ZONING CLASSIFICATION – COMPREHENSIVE PLAN.**

**B. STAFFORD PARK - FLAG POLE (DK).**

**C. TWC/VERIZON FRANCHISE (DK).**

**D. ANDOR, RESIDENTIAL LIFESTYLE SPA AND WELLNESS COMMUNITY.**

**E. OTHER.**

Tom Chartrand said a lot of the budget requests have come back with the salary increase marked as “Town-wide rate”. What would the Board like him to put in for these numbers. The January 1 cost of living was 5.2%. It is projected to be negative in January 2010.

Councilor Shute said all the information he has seen recently has been between 0 and 1 ½%. He thinks 5.2% is high.

Councilor Bailey was going to throw 2% out.

Supervisor Scammell was thinking 2% also.

Councilor Bailey said this is just a tentative number.

Councilor McConnell would agree.

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

**12. Executive session (if needed). Highway storage contract, budget negotiations.**

**Councilor's Shute moved and McConnell seconded the motion for the Board to go into Executive Session to discuss a personnel matter and to include the Town Attorney. Motion carried.**

The Board went into Executive Session at 9:30 p.m. and the Regular Town Board Meeting was called back to Order by Supervisor Scammell at 10:06 p.m.

**13. Councilor's McConnell moved and Shute seconded the motion to audit & pay the following bills:**

<b>GENERAL FUND</b>	<b>#4413 – 4414, 4446 – 4473</b>
<b>HIGHWAY FUND</b>	<b>#4431 – 4445</b>
<b>SPECIAL DISTRICT FUND</b>	<b>#4415, 4430</b>

**Motion carried.**

**14. Councilor's McConnell moved and Bailey seconded the motion to adjourn. Motion carried.**

The Regular Town Board Meeting adjourned at 10:07 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

Adopted 9/28/09