

September 10th, 2012 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Regular Meeting held by the LaFayette Town Board on September 10th, 2012 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Adrian Shute, Supervisor
William McConnell, Councilman
Jerry Doolittle, Councilman
Andrew Ohstrom, Councilman
Tardy: Steve Zajac, Councilman

Recording Secretary: Jacqueline Roorda, Town Clerk

Others Present: Wendy Reese, Town Attorney
Thomas Chartrand, Town Bookkeeper
John Greeley, Highway Superintendent
Don Jordan and Megan Costa, Onon. Co. Planning
Doreen and John Verzosa

1. Supervisor Shute called the meeting to order at 6:38 p.m.
2. The Town Clerk took the Roll. All Present/Councilman Zajac tardy, arrived at 6:40p.m..
3. Pledge to our U. S. Flag led by Town Councilman Ohstrom.
4. **Councilmen Doolittle moved and Ohstrom seconded the motion to accept August 13th, 2012 Town Board Meeting Minutes as submitted by Town Clerk, Jackie Roorda.**

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes
Councilman McConnell	Abstained.	

Motion carried.

5. COMMUNICATIONS

A. Megan Costa and Don Jordan from Syracuse-Onondaga County Planning Agency gave a presentation explain the Onondaga County Sustainable Development Plan “Path for a Sustainable Future”.

The presentation included the Plan Components, Vision, Scenarios, Elements of Sustainable Development: Transportation & Land Use, Building & Neighborhoods, Rural Communities and Open Space; Government Finance; Water Resources; Inter-municipal Planning; Energy; Livability & Society; and economy, along with 8 different Action Plan Areas.

After the presentation the Town Board and audience voiced their questions, comments and concerns. Some of which were “Local Control-Zoning Control”, Councilman Councilman Ohstrom pointed out that LaFayette has done extensive research and investigation recently in order to compile our own Comprehensive Plan, focusing on the needs and the future of LaFayette. His concern is that some of the language in the Sustainable Development Plan gives a sense of another bureaucracy.

Councilman Doolittle questioned, “Is this the Actual Plan.?” and further voiced concerns of losing Local Land Use and Zoning Control. The answer provided was that “This is the final drafted Plan as a result of over one year of development and that the Plan offers assistance to municipalities in helping integrate the Sustainable Plan.

Resident and County Legislator David Knapp advised that the NYS DOT has delayed the Route 11 and Route 20 road construction project in the center of LaFayette since 2007. His last information is that it is again delayed until 2015 and questioned if this information is correct and do they have any insight on the actual timeframe regarding that. Megan advised that she is not sure, exactly what Federal Funds will be allocated to what projects. She is aware that cut backs at State Levels have left municipalities struggling .

McConnell voiced that the “Strong Urban Core” seems focused on all the money we contribute going to the City of Syracuse and City Schools, with no benefits to the Town of LaFayette. It is his opinion that the challenge is for the City of Syracuse and they need to start downtown. Our tax dollars are needed to support our community and our schools.

Supervisor Shute questioned if the Sustainable Development Plan is being well received by municipalities, as he is aware of 3 – 4 Towns that are against it. Megan and Dan advised that they are aware some communities are not in favor. Shute said he fears the small towns will be the lowest priority, stating “we have approximately 5,000 voters, Towns such as Clay with approximately 60,000 voters are most likely to get more attention, it is hard to believe our interest will be supported”. He advised that LaFayette has taken precautions to survive the State and Federal cutbacks and reiterated that “LaFayette’s Comprehensive Plan focuses on “Lafayette’s needs in the Future. He also continued by advising that in the past, tools that Onondaga County provided to assist in making LaFayette more efficient, ended up costing the Town a lot more money.

The general consensus of the Town Board was that it appears with the Syracuse Onondaga County Sustainable Plan, municipalities such as LaFayette would be contributing a lot of money which will go to the County and City of Syracuse and we would get very little return on the investment for our rural community.

Supervisor Shute and the Board Members thanked Megan and Don for their presentation.

B. Mr. & Mrs. John Verzosa addressed the Board to question if any action has been taken since the August Meeting with regard to the Onondaga Property Rights Claim and is there going to be follow-up in the LaFayette Community Newsletter.

Supervisor Shute advised that the next order of business was the resignation of Newsletter Editor, Pat Keefe and to date there is no replacement. She is finalizing the October edition as the deadline has already passed.

Doreen Verzosa read the description of the meaning of the Hispanic Holiday, Cinco de May, an unofficial American Holiday and advised that it has been omitted from the 2012-13 school calendar and needs to be corrected. She requested the School Liaisons that were appointed by the Town Board attend the next Board of Education meeting and present her concerns to the Board. Supervisor Shute volunteered to approach the School Board and request they add May 5 - Cinco de Mayo back on their calendar and April as the Month of the Military Child.

C. Supervisor Shute advised that Pat Keefe, Information officer and Editor of the Newsletter presented him with her letter of Resignation and regrettably requested a Board member make a motion to accept.

Councilmen Ohstrom moved and McConnell seconded the motion to accept with regret, the resignation of Pat Keefe as Information Officer & Editor of the LaFayette Newsletter.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

Supervisor Shute asked if anyone has any ideas of a possible replacement. David Knapp suggested Rita Bush may be interested as she does the School Newsletters, he will ask her.

D. Letter of Support Onondaga County Community Development.
Councilmen Ohstrom moved and Zajac seconded authorizing Supervisor Shute to send a letter of support of the Onondaga County Committee Development Divisions

application to the New York State Affordable Housing Corp. to continue the Onondaga County Neighborhood Rehabilitation Program.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

E. Sprint Lease Agreement/Equipment Modification.

Councilmen Doolittle moved and Ohstrom seconded the motion authorizing Supervisor Shute to sign the H.P.C. Wireless Lease Agreement with modifications to equipment as outlined in the Agreement Letter

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

F. Proposal C & S Companies New Highway Garage Preliminary Design was reviewed.

Councilmen McConnell moved and Ohstrom seconded the motion to accept the C & S Companies \$14,800 fee proposal for preliminary engineering and architectural services for the new highway garage.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

6. PUBLIC HEARING

Councilmen Zajac moved and McConnell seconded motion to open the Public Hearing regarding the Enactment of Proposed Local Law A of the Year 2012 to amend the Stormwater Management Requirements and Controls.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes

Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

The Public Hearing opened at 8:05p.m. Councilman McConnell advised that this amendment is with regard to involvement with Onondaga County Water Shed. It is to bring LaFayette in step with the proper wording for the updated County Law. Supervisor Shute asked if there were any questions or further discussion. There were none.

Councilmen Zajac moved and Doolittle seconded motion to close the Public Hearing regarding the Enactment of Proposed Local Law A of the Year 2012 to amend the Stormwater Management Requirements and Controls.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

Public Hearing closed at 8:14p.m.

Councilmen McConnell moved and Ohstrom seconded motion authorizing Supervisor Shute sign the prepared Memorandum of Agreement for the Central New York Stormwater Coalition, document on behalf of the governing body.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

Memorandum attached.

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law A-2012, to Amend Stormwater Management Requirements and Controls in the Town of LaFayette, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held August 13, 2012; and

WHEREAS, a public hearing was held on said proposed Local Law No. A-2012 on September 10, 2012 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, at its August 13, 2012 meeting the Town Board determined that this proposed legislation is a Type II action for purposes of SEQR, thus concluding the environmental review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2012.

NOW, THEREFORE, it is **RESOLVED AND DETERMINED**, that the Town Board of the Town of Lafayette, Onondaga County, New York, does hereby enact Proposed Local Law No. A-2012 as Local Law No. 2-2012 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW NO. 2-2012**

A Local Law to Amend Stormwater Management Requirements and Controls in the Town of LaFayette

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

Section I.

Local Law 5 of 2007, titled “A Local Law to Establish Minimum Erosion/Sediment and Stormwater Management Requirements and Controls in the Town of LaFayette,” as previously amended by Local Law No. 2-2011, which pertains to Stormwater Management requirements in the Town of LaFayette, is hereby repealed in its entirety.

Section II.

A new local law, titled “Erosion/Sediment Control and Stormwater Management,” shall be enacted, which shall read, in its entirety, as follows:

EROSION/SEDIMENT CONTROL AND STORMWATER MANAGEMENT

Article I

General Provisions

Section 1. Findings of Fact.

It is hereby determined that:

- 4 Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- 5 This stormwater runoff contributes to increased flooding and quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- 6 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- 7 Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 8 Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- 9 Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- 10 Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff and sediment and erosion control from land development activities;
- 11 The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

12 Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 2. Purpose.

The purpose of this Local Law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This Local Law seeks to meet those purposes by achieving the following objectives:

1. Meet the requirements of minimum measures 4 and 5 of the current SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), as amended or revised;
2. Require land development activities to conform to the substantive requirements of the current NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, as amended or revised;
3. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, turbidity, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
4. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
5. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
6. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly designed, maintained and eliminate threats to public safety.

Section 3. Statutory Authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of LaFayette has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of LaFayette and for the protection and enhancement of its physical environment. The Town Board of the Town of LaFayette may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 4. Definitions.

The terms used in this Local Law or in documents prepared or reviewed under this Local Law shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY – the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT – a property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING – any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL – a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING – any activity that removes the vegetative surface cover.

DEDICATION – the deliberate appropriation of property by its owner for general public use.

DEPARTMENT – the New York State Department of Environmental Conservation

DESIGN MANUAL – the *New York State Stormwater Management Design Manual*, most recent version including applicable updates that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER – a person who undertakes land development activities.

EROSION CONTROL - a measure that prevents sediment from being transported from a site.

EROSION CONTROL MANUAL – the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

GRADING – excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER – those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT – a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION – the process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY – construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb one or more acres of land, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER – the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT – a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION – pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING – clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN – sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT – land development activity

QUALIFIED PROFESSIONAL – a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional

Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice or engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

RECHARGE – the replenishment of groundwater.

SEDIMENT CONTROL – measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS – cold water fisheries, shellfish beds, swimming beaches, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

STABILIZATION – the use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION - the first land disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and sidewalks; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings.

STOP WORK ORDER – an order issued which requires that all construction activity on a site be stopped.

STORMWATER – rainwater, surface runoff, snowmelt and drainage

STORMWATER HOTSPOT – a land use or activity that generates concentrations of hydrocarbons, trace metals or toxicants in violation of NYS Water Quality Standards.

STORMWATER MANAGEMENT – the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY – one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs) – measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) – a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF – flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK – lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TRAINED CONTRACTOR – an employee from the contracting (construction) company that has received four (4) hours of Department endorsed training in proper erosion and sediment control practices from a Soil and Water Conservation District or other Department endorsed entity. After receiving the initial training, the Trained Contractor shall receive four (4) hours of training every three (3) years.

WATERCOURSE – a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY – a channel that directs surface runoff to a watercourse or to the public storm drain.

Section 5. **Applicability**

1. This Local Law shall be applicable to all land development activities, as defined in this Local Law, within the portion of the Town of LaFayette designated as a regulated MS4 area by the Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation (DEC) or any similar agency, as amended from time to time.

2. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Town Board of the Town of LaFayette, engage the services of a Qualified Profession to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a qualified professional that the plans conform to the requirements of this law.

An owner or operator of a land development activity that is subject to the requirements of this Local Law must first develop a SWPPP in accordance with all applicable requirements of this Local Law and then have its SWPPP reviewed and accepted by the Stormwater Management Officer prior to submitting the Notice of Intent (NOI) to the Department. The owner or operator shall have the “MS4 SWPPP Acceptance” form signed by the Stormwater Management Officer and then submit that form along with the NOI to the address referenced under “Notice of Intent (NOI) Submittal” in the applicable SPDES permit.

3. All land development activities subject to review and approval by the applicable board of the Town of LaFayette under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this local law

4. All land development activities not subject to review as stated in subsection C above shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 6. Exemptions

The following activities may be exempt from review under this law.

1. Agricultural activity as defined in this Local Law.
2. Silvicultural activity except that landing areas and log haul roads are subject to this Local Law.
3. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

4. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
5. Cemetery graves.
6. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
7. Emergency activity immediately necessary to protect life, property or natural resources.
8. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
9. Landscaping and horticultural activities in connection with an existing structure.
10. Any part of a subdivision if a plat for the subdivision has been approved by the Town of LaFayette on or before the effective date of this Local Law.
11. Land development activities for which a building permit has been approved on or before the effective date of this Local Law

Article II

Stormwater Pollution Prevention Plans

Section 7. Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

Section 8. Contents of Stormwater Pollution Prevention Plans.

1. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - a. Background information about the scope of the project, including location, type and size of project.
 - b. Site map/construction drawing(s) for the project, including a general location map with a scale no smaller than 1"=100 ft.; contour intervals with a minimum of 25 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste,

borrow or equipment storage areas; and location(s) of the stormwater discharges(s); locations or known presence of agricultural tile drains or other existing features that cause artificial drainage of the site and their impact on the hydrology.

- c. Description of the soil(s) present at the site;
- d. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
- e. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- f. Description and volume of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- g. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
- h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- j. Temporary practices that will be converted to permanent control measures;
- k. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

- l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- m. Name(s) of the receiving water(s);
- n. Delineation of SWPPP implementation responsibilities for each part of the site;
- o. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable;
- p. Any existing data that describes the stormwater runoff at the site;

A description and location of any stormwater discharges associated with industrial activity other than construction at the site, including but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site;

Identification of any elements of the design that are not in conformance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards;

Identification of any elements of the design that are not in conformance with The New York State Stormwater Management Design Manual (hereinafter the "Design Manual"). Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards; and

A detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum the summary shall address the required design criteria from the applicable chapter of the Design Manual, including the identification of and justification for any deviations from the Design Manual, and identification of any design criteria that are not required based on the design criteria or waiver criteria included in the Design Manual.

2. Land development activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection C below as applicable:

- a. **Condition A** - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's most recent 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL)

designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

- b. **Condition B** - Stormwater runoff from land development activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from single family residential subdivisions with 25% or greater impervious cover at total site build-out and not located in one of the Total Maximum Daily Load (TMDL) designated watersheds and not directly discharged to one of the Department's most recent 303(d) list of impaired waters.

3. SWPPP Requirements for Condition A, B and C:

- a. All information in Subsection A of this Section;
- b. Description of each post-construction stormwater management practice;

Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;

Map showing watershed area used for hydrological and hydraulic analyses;

All references for data;

Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;

Comparison of post-development stormwater runoff conditions with pre-development conditions;

Dimensions, material specifications and installation details for each post-construction stormwater management practice;

Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;

Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;

Inspection and maintenance plan binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article III of this Local Law. Said plan shall include inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction

c. stormwater management practice and said plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice; and

The SWPPP shall be prepared by a qualified professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this Local Law.

Section 9. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

Section 10. Contractor Certification

1. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity : “I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System (“SPDES”) general permit for stormwater discharges from construction activities, and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State to New York and could subject me to criminal, civil and/or administrative proceedings.”

2. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

3. The certification statement(s) shall become part of the SWPPP for the land development activity.

4. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Section 11. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

1. Technical Standards. For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:
 - a. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
 - b. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Local Law of the Soil and Water Conservation Society, most current version or its successor, hereafter referred to as the Erosion Control Manual).
2. Equivalence to Technical Standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Section 11(A) and the SWPPP shall be prepared by a qualified professional that is knowledgeable in the principles and practices of stormwater management and treatment.
3. Water Quality Standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York or cause a violation of New York State water quality standards.

Section 12. Maintenance, Inspection and Repair of Stormwater Facilities

1. Maintenance and Inspection During Construction
 - a. The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 - b. Prior to the commencement of construction activity, the owner or operator must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP and the contractor(s) and subcontractor(s) what will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The owner or operator shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person must be a Trained Contractor. The owner or operator shall ensure that at least one Trained Contractor is on site in a daily basis when soil disturbance activities are being performed.

c. For construction sites where soil disturbance activities are on-going, the qualified inspector shall conduct a site inspection at least once every seven (7) calendar days.

For construction sites where soil disturbance activities are on-going and the owner or operator has received authorization to disturb greater than five (5) acres of soil at any one time, the qualified inspector shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every thirty (30) calendar days. The owner or operator shall notify the Stormwater Management Officer in writing prior to reducing the frequency of inspections.

For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the Stormwater Management Officer in writing prior to the shutdown. If soil disturbance activities are not resumed within two (2) years from the date of shutdown, the owner or operator shall have the qualified inspector perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed, and that all post- construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “Final Stabilization” and “Post-Construction Stormwater Management Practice” certification statements on the Notice of Termination.

2. Maintenance Easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of LaFayette to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of LaFayette.

3. Maintenance after Construction. The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.

b. Written procedures for operation and maintenance and training new maintenance personnel.

c. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 11(C).

4. Maintenance Agreements

a. The Town of LaFayette shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be in a form acceptable to the Town.

b. The Town of LaFayette, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility and creation of a drainage district, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 13. Amendments, Ownership Changes and Termination

1. The owner of operator must keep the SWPPP current so that it at all times accurately documents the erosion and sediment control practices that are being used or will be used during construction and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the owner or operator shall amend the SWPPP:

a. whenever the current provisions prove to be ineffective in minimizing pollutants in stormwater discharges from the site;

b. Whenever there is a change in design, construction or operation at the construction site that has or could have an effect on the discharge of pollutants; and

- c. To address issues or deficiencies identifies during an inspection by the qualified inspector, the Department or other regulatory authority.
2. The owner or operator shall notify the Stormwater Management Officer in writing of any planned amendment or modifications to the post-construction stormwater management practice component of the SWPPP. Unless otherwise notified by the Stormwater Management Officer, the owner or operator shall have the SWPPP amendments or modifications reviewed and accepted by the Stormwater Management Officer prior to commencement of construction of the post-construction stormwater management practice.
3. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original owner or operator must notify the new owner or operator, in writing, of the requirement to obtain permit coverage by submitting a NOT to the Department. Once the new owner or operator obtains permit coverage, the original owner or operator shall then submit a completed Notice of Termination (NOT) with the name and permit identification number of the new owner or operator to the Department. If the original owner or operator maintains ownership of a portion of the construction activity and will disturb soil, they must maintain their coverage under the permit.
4. Prior to termination of any SPDES permit obtained in accordance with this Local Law, the owner or operator shall have the Stormwater Management Officer sign the “MS4 Acceptance” statement on the NOT. Prior to signing this statement, the Stormwater Management Officer shall determine that it is acceptable for the owner or operator to submit the NOT in accordance with the requirements of the applicable SPDES permit. The Stormwater Management Officer can make this determination by performing a final site inspection themselves or by accepting the qualified inspector’s final site inspection certificate(s).

Article III
Administration and Enforcement

Section 14. Construction Inspection.

1. Erosion and Sediment Control Inspection. The Town of LaFayette Stormwater Management Officer may require such inspections as necessary to determine compliance with this Local Law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this Local Law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of LaFayette enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

Start of construction

- a. Installation of sediment and erosion control measures
- b. Completion of site clearing
- c. Completion of rough grading
- d. Completion of final grading
- e. Close of the construction season
- f. Completion of final landscaping
- g. Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

2. Stormwater Management Practice Inspections. The Town of LaFayette Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a Qualified Professional.

3. Inspection of Stormwater Facilities After Project Completion.

- a. Inspection programs shall be established on any reasonable basis, including but not limited to:
 - i. routine inspections;
 - ii. random inspections;
 - iii. inspections based upon complaints or other notice of possible violations;

inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and

- iv. joint inspections with other agencies inspecting under environmental or safety laws.
- b. Inspections may include, but are not limited to:
 - i. reviewing maintenance and repair records;
 - ii. sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and
 - iii. evaluating the condition of drainage control facilities and other stormwater management practices.
- 4. **Submission of Reports.** The Town of LaFayette Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this Local Law.
- 5. **Right-of-Entry for Inspection.** When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town of LaFayette the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph A of this Section 14.

Section 15. Performance Guarantee

- 1. **Construction Completion Guarantee.** In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of LaFayette in its approval of the Stormwater Pollution Prevention Plan, the Town of LaFayette may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of LaFayette as the beneficiary. The security shall be in an amount to be determined by the Town of LaFayette based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of LaFayette, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town of LaFayette. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- 2. **Maintenance Guarantee.**
 - 1 Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by an entity that owns or manages a commercial or industrial facility, the developer or entity, prior to construction, may be

required to provide the Town of LaFayette with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or entity landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of LaFayette may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

2 In addition to or in lieu of the foregoing, where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by an entity that owns or manages a commercial or industrial facility, the developer or entity landowner prior to construction, may be required to enter into an Agreement with the Town of LaFayette setting forth maintenance and operation requirements for said stormwater management and erosion and sediment control facility and enforcement alternatives, in a form acceptable to the Town. If said stormwater management and erosion and sediment control facilities are not properly operated and maintained in accordance with said Agreement or approved plans, the Town shall give the developer and/or entity landowner thirty (30) days written notice to comply with the operation and maintenance provisions of the said Agreement or approved plans. If the developer and/or entity landowner shall fail to so comply with the operation and maintenance provisions of the said Agreement or approved plans within said thirty (30) day period, the Town may take such remedial steps as are necessary to bring said facility into compliance with the said operation and maintenance requirements of said Agreement or approved plans and the cost of such remedial measures shall be assessed as a lien on the property and shall be charged to the landowner's tax bill.

Section 16. Record keeping.

The Town of LaFayette shall require entities subject to this law to maintain records demonstrating compliance with this Local Law.

Section 17. Enforcement and Penalties

1. Notice of Violation. When the Town of LaFayette determines that a land development activity is not being carried out in accordance with the requirements of this Local Law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- a. the name and address of the landowner, developer or applicant;
- b. the address when available or a description of the building, structure or land upon which the violation is occurring;
- c. a statement specifying the nature of the violation;

d. a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;

e. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

f. a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

2. Stop Work Orders. The Town of LaFayette may issue a stop work order for violations of this Local Law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of LaFayette confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Local Law.

3. Violations . Any land development activity that is commenced or is conducted contrary to this Local Law, may be restrained by injunction or otherwise abated in a manner provided by law.

4. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

5. Withholding of Certificate of Occupancy. If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

6. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable

time after notice, the Town of LaFayette may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 18. Fees for Services.

Any person undertaking land development activities regulated by this law shall reimburse the Town for all expenses and costs associated with compliance with these requirements, including, but not limited to, engineering and legal expenses.

Section 19. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 20. Effective Date.

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

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

William McConnell	Councilman	Voted	Yes
Steven Zajac	Councilman	Voted	Yes
Gerry Doolittle	Councilman	Voted	Yes
Andrew Ohstrom	Councilman	Voted	Yes
Adrian Shute	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: September 10, 2012

7. SPECIAL REPORTS

CNY Stormwater Coalition – Councilman McConnell explained this is a Department of Conservation grant which was done for years and goes away December 31, 2012. It is now handled by CNY Planning Board at a flat rated of \$3,600. The benefit is that it regionalizes Planning Boards.

Councilman McConnell moved and Ohstrom seconded Resolution Supporting Participation in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program as follows:

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, Town of LaFayette (Legal Name of Municipality) herein called the "Municipality", after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the "Board", has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the Board has proposed staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the most efficient use of limited municipal funds by distributing total program costs over a number of entities within a twelve month time frame as outlined in Attachment B;

NOW, THEREFORE, BE IT RESOLVED BY Town Board of the Town of LaFayette:

1. That Adrian Shute, Supervisor or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in

all matters related the Project;

2. That the Municipality agrees that it will fund its portion of the program cost in the amount of \$3,600, and that those funds will be made available to the Board no later than January 31, 2013.

3. That one (1) certified copy of this Resolution will be prepared and sent to the Board no later than October 1, 2012.

4. That this Resolution take effect immediately.

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

William McConnell	Councilman	Voted	Yes
Steven Zajac	Councilman	Voted	Yes
Gerry Doolittle	Councilman	Voted	Yes
Andrew Ohstrom	Councilman	Voted	Yes
Adrian Shute	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Dated: September 10, 2012

8. REPORTS

A. Departmental

1. Assessors
2. Building & Zoning Code Enforcement
3. Dog Control
4. Highway Superintendent, John Greeley
 - a. Highway Superintendent Greeley submitted a written report.
 1. Roads – Cutting shoulders, ditching, shimming operations and roadside brush pick ups
 2. Park mowing

3. Two bids for the Roadside Mower were received; Tracey Road Equipment \$47,987, for a 2006 mower and Cazenovia Equipment \$87,500 for a demo mower. The mower from Tracey meets all the specifications and has all the service records showing everything is up to date and is \$40,000 less than the one from Cazenovia Equipment.

Councilmen Zajac moved and McConnell seconded motion to accept the low bid from Tracey Equipment to purchase the 2006 New Holland TS115 with a 4 x 4 twenty two foot boom.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

4. Greeley advised that the 1997 International Plow truck and chassis are listed on Auctions International until October 6, 2012. The Town of Woodstock is interested in purchasing it and gave a verbal offer of \$20,000. Greeley questioned the Board if they are willing to sell it at that price or let it run its course on Auctions International until 10/6/2012. A brief discussion the Board agreed if Woodstock confirms the offer of \$20,000, sell it to them, if their offer is less, then let it run its course at Auctions International.

Supervisor Shute reminded the Board Members of the fireproof file cabinets are still at the Highway Garage and are too heavy to use at the Town Hall or Community Center. He will talk to Greg Titus, Historian for both LaFayette and Jamesville to see if Jamesville has use for the cabinets.

Councilman McConnell presented a letter informing of the LaFayette Apple run on Oct. 7th, with the run details and road closure locations and times. He requested borrowing reflective vests from the Highway Department for the road crews to use for the run. Greeley advised that he will get them to McConnell.

Councilman Zajac questioned Greeley if he is looking for another mower. Greeley advised there is no hurry and the five year plan will be discussed at the budget meeting. Councilman McConnell asked if the Fire Dept. is planning on bringing a 5 year plan to the budget meeting. He was advised they are.

5. Justice Court

a. Monthly written report for the month of August, 2012 in the amount of \$18,100.00 turned over to the Town of LaFayette. Total cases 253.

b. Deputy Clerk Carleen LaRonde submitted a letter to the Board requesting approval for participation in the JCAP Grant Application process for 2013.

LaRonde advised that if the grant is approved Judge Perrin is hoping to create storage cabinets or closets along the back wall of the Courtroom/Meeting Room, and possibly a built in desk.

Councilmen Ohstrom moved and Zajac seconded motion to approving the participation in the grant process, however also retaining the right to discuss and approve of any final plans for space to be used in the Courtroom.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

6. Library Director
 - a. Written Report and Library Board of Trustees Minutes submitted.
7. Recreation Director
 - a. Written Report submitted by Regina Reinschmidt.
8. Tax Collector
9. Town Clerk
 - a. Monthly report submitted by Town Clerk, Jackie Roorda
 - b. Roorda advised that she contacted Brent Fagan regarding serving as IT for the Town on an as needed basis. He is accepting and quoted a rate of \$75.00 per hour. Shute advised that for those he may not know him, he is a local resident who came highly recommended and does work locally.
 - c. Roorda advised the Veterans Discount Program is now available at her office and she has put notification of the process in the LaFayette Community Newsletter advising Veterans and requesting local businesses to participate in the Discount Program to show our appreciation of the sacrifices and service they have given.
10. Town Supervisor
 - a. Monthly Report submitted. Budget Officer, Tom Chartrand reported that it has been a quiet month. The Town finally got the money for the snow and ice removal which was approximately \$11,000 above the estimated amount. Shute advised that Library will present their budget on 9/20/2012 instead of 9/18/2012.

Chartrand questioned October Town Board Meeting date as the second Monday is Columbus Day.

B. Committees

1. Community Development
 - a. Councilman McConnell advised that we need to set up a Public Hearing for the Comprehensive Plan and he will gather all the information and material needed.

Councilmen Ohstrom moved and Doolittle seconded motion to set the Public Hearing for the Comprehensive Plan to be held at the October 22nd, 2012 Town Board meeting at 6:30 p.m.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

2. Emergency Response
3. Employee Policies and Benefits
4. Environmental and Conservation Advisory Board
 - a. Councilman Doolittle advised that he toured a Pennsylvania hydrofracking site. He has information regarding that and he will send it to Pat Keefe for the Newsletter. Discussion on ways to get the general public's feelings and opinions regarding hydrofracking continued. Doolittle advised that a Public Informational Meeting is scheduled for November 13th, 2012 at 6:00 p.m. at the Town Hall. Bill Kappell will be doing the presentation and the public is encouraged to attend.
5. Highway
6. Physical Plant
 - a. Councilman Doolittle advised that he received bids regarding the roof on the Town Hall Building ranging from \$18,500 to \$41,000. Discussion on clarification and making sure all bids include warranty on labor and material, cost of any plywood that may need to be replaced and prevailing wage took place. Doolittle will get clarification on bids and the Board will make a decision at the next budget meeting in order to get roof completed before winter sets in.
 - b. Doolittle reported that he received a verbal quote of \$300.00 per sign from a local contractor for the new signs at the Town Parks. He reminded the Board that YCIP's quote was for \$260.00; however they are unable to do them at this time.

7. Recreation and Youth

8. Safety
a. Councilman Doolittle advised that Safety Officer Tom Rezsnyak and Regina Reinschmidt, Safety Committee Member, did safety inspections of the playgrounds and parks reported they found 15 items that need to be repaired . Bill Sutliff is already working on the list and has completed some of the repairs already.

9. School District Liaisons

10. Service Awards

11. SOTS & OCRRA

12. SPEDES

9. LITIGATION & OTHER LEGAL MATTERS

A. Attorney Wendy Reese advised the Cold War Veterans Local Law 3-2009 relating to Real Property Taxes for Cold War Veterans needs to be amended in order to be consistent with the County.

Councilman McConnell introduced proposed Local Law No. C-2012 Amending Local Law 3-2009 relating to an Exemption from Real Property Taxes for Cold War Veterans as Authorized by Section 458-b of the New York State Real Property Tax Law, to Provide a New Definition for Cold War Veteran which was seconded by Councilman Doolittle:

WHEREAS, the Town of LaFayette enacted Local Law 3-2009 which provides a real property tax exemption for Cold War Veterans. The Town is amending the definition of Cold War Veteran so that it reads the same as the Onondaga County law; 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.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, 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 and that the enactment of proposed Local Law No. C of 2012 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 C-2012 at the Town of LaFayette Town Hall, 2577 Route 11, in the Town of LaFayette, on October 22, 2012, at 7:00 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 vote was as follows:

William McConnell	Councilman	Voted	Yes
Steven Zajac	Councilman	Voted	Yes
Gerry Doolittle	Councilman	Voted	Yes
Andrew Ohstrom	Councilman	Voted	Yes
Adrian Shute	Supervisor	Voted	Yes

10. UNFINISHED BUSINESS & ACTIVE PROJECTS

11. NEW BUSINESS

A. Supervisor Shute reported that he has been contacted with regard to changing the Highway Superintendent and Town Clerk Position from two year terms to four year terms. Discussion took place as to the benefits of the longer term and that most towns have already put the four year terms in place. Councilman McConnell agreed that it is an unnecessary disruption in both positions. Shute advised that it is too late for this election year as Attorney Gilligan advised it needs to go to a full referendum and there is not enough time to follow the procedures needed to carry this through before November election, however this can be approached for next year.

B. Councilman Doolittle reported he requested Town Clerk Roorda to investigate ordinance regarding weight limits on local roads. Since separate

ordinances involve separate road at different time, he suggests making a uniform weight limit for all Town Roads when the Zoning Change procedures are taking place.

12. Suggestions for improvements and positive contributions.

A. Supervisor Shute advises part of the Community Development at Stafford Park is the planting of trees along the Route 81 boundary. The Highway crew pulled out the old trees and will dig the holes. Per discussion with a couple different Landscaping Companies he advised that it is safe to plant trees now. Bids for fifty 10feet tall Norway Spruce Trees were \$10,750 from American Landscaping and \$10,000 from Watson Greenhouse with the Highway Department to do the planting and they both offer to supervise the planting and a warranty also.

Councilmen McConnell moved and Zajac seconded motion to accept the low bid in the amount of \$10,000.00 from Watson Greenhouse for fifty 10’ Norway Spruce trees with the Highway Crew to plant under Carol Watson’s supervision.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes
Councilman Zajac	Voted	Yes

Motion carried.

B. Supervisor Shute reported that three towns have passed Motion against the Syracuse/Onondaga County Sustainability Development Plan,; Camillus, Clay and Manlius. Otisco is discussing a Motion against the Plan also. The pros and cons regarding the Plan were discussed. More cons than pros were voiced. Shute commented that although the representatives from the County did a great job with the presentation given at the beginning of the meeting, LaFayette already has our own Comprehensive Plan, which focuses on the needs and future for the growth and is in the best interest for our tax payers and residents. It was decided it was in the best interest of the Town to voice to the County if we are in favor or against the Syracuse/Onondaga County Sustainability Development Plan.

Councilmen Ohstrom moved and McConnell seconded motion authorizing Supervisor Shute to compose and send a letter to the Onondaga County Executive Joanne Mahoney expressing the Town of LaFayette’s dissatisfaction with the Onondaga County Sustainability Development Plan.

The vote was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Yes
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes

Councilman Zajac **Voted** **Yes**
Motion carried.

13. Executive Session, not necessary.

14. Motion to audit and pay bills.

Councilmen Zajac moved and Ohstrom seconded the motion to audit and pay bills. Motion carried 4-0.

General Fund	2171-2204
Highway Fund	2151-2170
Special District	2206-2207
Trust & Agency	
Community Development & Capital Fund	2208

Councilmen McConnell moved and Zajac seconded the motion to adjourn the meeting. Motion carried 4-0.

The Regular Town Board Meeting was adjourned at 9:22 PM.

Respectfully submitted,

Jacqueline Roorda
Town Clerk