

October 10th, 2017 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on October 10th, 2017 at 7:00 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Doug Daniel, Supervisor
Melanie Palmer, Councilor
Kerry Evans, Councilor
Steve Zajac, Councilor

Recording Secretary: Kristin Colburn, Deputy Town Clerk

Others Present: Kevin Gilligan, Town Attorney
Thomas Chartrand, Budget Officer
Martin Ossenberg, Art Goldsmith
David Prince, Joseph Woodin, Kim Woodin,
Caryle Zipprich, Rosemary Brodt, Herb Brodt,
Albert Nurse, Dylan Kinsella, Steve Pitoniak

1. Supervisor Daniel called the meeting to order at 7:00 PM and welcomed all in attendance.
2. Pledge to our U.S. Flag was led by Councilor Evans.
3. The Deputy Town Clerk, Kristin Colburn took the Roll. All present.
4. Town Board Minutes of September 12th, 2017 Regular Meeting.

Councilor Palmer moved and Councilor Evans seconded the motion to accept the September 12th, 2017 regular meeting minutes as submitted by Deputy Town Clerk, Kristin Colburn. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

5. Public Hearings

A. Proposed Local Law C-2017 Overriding the Tax Levy Limit established in NYS General Municipal Law, Supervisor Daniel turned the public hearing over to Attorney Gilligan to give some detail to residents in attendance. He explained that the state has imposed a 2% tax cap on all local government but they do give local government a way to exceed the limit and that is by passing a local law that authorizes that. He also explained that often times due to budgetary requirements and /or needs you just are unable to stay within or below the tax cap. The tax cap is not actually 2%, it is 1.84%. Supervisor Daniel explained that in the past the town has worked very hard to stay within the tax cap; however we have had a series of external events that have occurred that of which we do not have control that will potentially put us over the cap. If

we do not preemptively address this we will have budgetary problems. Supervisor Daniel opened the public hearing and asked if anyone had any questions:

Q: Herb Brodt said he didn't know that this was on the agenda but said due to the fact he is running for office I have to give my opposition to this because his social security did not go up 1.87% so why should the town taxes go up?

A: Supervisor Daniel replied the "quick" answer is that there is a high likelihood that if we want garbage pickup for the town the SOTS program contract has come up for renewal and that itself is almost a "budget busting" that will take us over the tax cap. If we can honor the 1.84% we most certainly are going to. Tom Chartrand elaborated more by saying that if we were to stay under the cap taxes would raise by about \$71,000, the SOTS contracts increases by about \$49,000. The other thing is health insurance increases by 11%, those numbers alone will push us over the tax cap. Mr. Brodt acknowledged that this answered his questions.

Supervisor Daniel moved and Councilor Evans seconded the motion to close the public hearing regarding the Proposed Local Law C-2017 Overriding the Tax Levy Limit established in NYS General Municipal Law. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

Supervisor Daniel moved and Councilor Palmer seconded the Resolution to adopt the Local Law C-2017; subsection 3 c overriding the Tax Levy Limit established in NYS General Municipal Law. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

B. Morezak Road Qualified Abandonment; Supervisor Daniel opened up the public hearing regarding the above. He then deferred to Attorney Gilligan for some guidance on this matter; and stated that he has (2) two letters from (2) two property owners that use Morezak road as access to their properties.

Supervisor Daniel asked for any public comments.

Q: Arthur Goldsmith lives in the immediate area and is a next door neighbor to the Colvin's who have submitted a letter for tonight's meeting. He states that it is not very well defined exactly how big Morezak Road is, on the tax map it dead ends... what is the history on this road that your abandoning?

A: Attorney Gilligan said that what we have been able to determine through the history that was provided by the town clerk's office that back in the 1940's there was a dedication to the town by Mr. Morezak and another person that was 900 – 1000 feet long. There was never a deed given to the town, it was just dedicated and that was accepted by the town board at that time. It sat on our tax maps and the road map for the county as a "paper street" for all these years. Somewhere along the line in the past

year someone applied for a building permit in the middle of the field about half way up the hill. Caryle Zipprich confirmed that yes the house is there and she and Mark Schaub reside there and any questions regarding the house she would like to address. Discussions began about abandoning and deeding it over the home owner however we then learned that there were other land owners that are adjacent to the “paper street” who also have property rights on Morezak Road. At that point we looked at other options and the Qualified Abandonment where the right of way is maintained, but the town abandons the other part was our best option.

Q: Mr. Goldsmith asked if the right of way would be if deeded over to the property owner (Mark Schaub)?

A: Atty. Gilligan replied no.

Q: Mr. Goldsmith asked about the sign at the end of the right of way that says “Private Property – Do Not Trespass”?

A: Atty. Gilligan advised that the town did not put that up. Caryle Zipprich advised that they did put up that sign, she assumes it was kids, but people were up there drinking, leaving trash, etc....

Atty. Gilligan advised that through this all adjacent landowners will have access to their property, it will not be maintained, paved, plowed etc... and they will have access.

Carol Dwyer mentioned that this is reminiscent of Reidy Hill stating from a real estate aspect it makes it difficult to sell properties when there is no one designated to maintain that portion of the road. This issue was table for this meeting to be discussed at a later time per Supervisor Daniel.

Q: Caryle Zipprich asked for clarification as to what discriminates the current part of the road that is maintained against the portion that is not?

A: Atty. Gilligan advised that is a historical question and he nor any of the board members, highway people were around then and therefore do not have a reason. Supervisor Daniel offered up an opinion based on him going up there and speaking with Mark saying that had he put in his driveway so that it reached the T in the road. We would not be having this conversation, but he went and put it in inside of the proposed abandonment portion. He reiterated that this is just his best guess.

Caryle read a letter from Mark Schaub stating in summation:

- They build their home in 2017
- Prior to getting driveway permit they met with John Greeley and were advised that the town would be paving the road to their driveway giving access for emergency vehicles.
- They received their Building permit, and their C.O. on 9/14/17
- They were never notified that the town would not be maintaining the road.
- They went through all the necessary channels and asked all the pertinent questions
- They request that the town reconsider and offered up (2) two alternatives: (a) Keep the road open, not paved but stoned and still maintained & plowed by the town OR (b) for the town to waive his annual town tax every year and he will use those monies to maintain and plow the town’s road.

Neither the attorney nor any other town board members had comments or questions for Caryle.

Councilor Evans read the letter submitted by the Sheremeta's and Councilor Palmer read the letter from Ruth Colvin both stating that they were in favor of the qualified abandonment with the conditions that were stated at the September 12th Town board meeting: the road will be abandoned but will remain a right of way and owned by the Town of LaFayette; The right of way will not be maintained by the town and any individual may maintain the road such as filling the pot holes, trimming and mowing; no individual shall restrict the movement of another along the town owned right of way; and that a landowner may put up a gate or fence across the right of way but said structure shall be a minimum of ten (10) feet wide and can be opened freely (not locked); that there be access by safety and fire control units; access for the logging of timber by outside parties; and access to support future property use such as the CNY Land Trust, scouting and other non-commercial groups.

Again there were no questions or comments regarding these letters.

Albert Nurse advised that he was also in favor based on the description of the town's qualified abandonment. Atty. Gilligan suggested that Mr. Nurse state his interest in the Colvin property to which he replied that he uses that property with permission given by Ruth Colvin in 1989 to reach his property.

Q: Supervisor Daniel asked if he took equipment up there?

A: Yes, he takes a tractor/bush hog

Q: What is the approx. size of that equipment?

A: Width wise about 15 feet.

Atty. Gilligan made mention that then the gate should be noted to be in excess of 16 feet. Caryle expressed her concern for safety to which she was reassured by Supervisor Daniel and Superintendent Greeley that Fire & Rescue equipment would have no trouble getting up there and that there were dry hydrates available there as well.

Supervisor Daniel moved and Councilor Palmer seconded the motion to close the public hearing regarding the Morezak road qualified abandonment. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

This will be submitted to the County for their approval or recommendation and we should have a response at the next meeting per Supervisor Daniel. John Greeley advised that it may be a bit longer as Mark Schaub works with the County and he wants to be sure it is done right so as not to show any favoritism.

6. Communications

A. Joseph Woodin – Eagle Scout Project – Moses Dewitt Cemetery Clean Up
Joseph presented a detailed written report of what he wants to do:

- plan & develop a parking pull off for 2-3 cars
- plan & develop access to the site with steps or a path
- clear shrubs, brush and trim trees
- spray the extensive infestation of poison ivy
- clear overgrown shrubs
- clear burial area & secondary stones
- create signage to improve historical knowledge of the

site.(Greg Titus to help with historical aspect of this) • prepare signage with some information with regards to the site • seal off top of headstone with concrete until proper restoration can be made.

He is looking for assistance from the town with possible equipment in the work of the parking area. John Greeley said that his Deputy Steve Robson is big in helping out scouts and he is sure that they would be able to assist and possibly through their contacts get some donations (i.e. concrete) to help with this project. He stated that the project is estimated to be completed in the spring of 2018. Former Supervisor Andrew Ohstrom weighed in on behalf of Joseph stating that he has been speaking with him for a bit about this project. This project is among a long list of eagle scout projects that have been done and have benefited the town.

Councilor Evans moved and Councilor Palmer seconded the motion to support Joseph Woodin’s Eagle Scout project and authorize the Supervisor to sign any necessary paperwork. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

B. CNY SPCA – Fee Increase – Councilor Palmer read the letter from CNY SPCA where they stating the substantial increase in their fees from \$445.68 currently to \$1,683.68 by the year 2021. Councilor Zajac stated that we do not have to do this. Supervisor Daniel advised that he contacted dog control officer Ken Johnson who said that it was not necessary for us to enter into an agreement. Atty. Gilligan said that we do not need anything in writing stating his position on this but if we have a situation where someone in town reports abuse of any animal they will not answer. We just had two (2) cases this week and our dog control officer and code enforcement handled the situation. Tom Chartrand advised that if we do not employ CNY SPCA we will have to contract with someone independently for this service as Ken Johnson is not a cruelty investigator. Supervisor Daniel advised that we will hold this item until next month after he can speak with dog control and see what costs were involved with the two recent events.

C. Proposed Local Law D-2017 amending Local Law 3-2009 relating to the Tax Exemption for Cold War Veterans

TOWN BOARD RESOLUTION
TOWN OF LAFAYETTE
OCTOBER 10, 2017
Local Law D-2017

Supervisor Daniel introduced proposed Local Law No. D-2017 regarding real property tax exemptions for Cold War Veterans and made the following Resolution, which was seconded by Councilwoman Evans:

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 State has amended Section 458-b of the Real Property Tax Law to allow Towns to remove the 10-year limitation on such exemptions, 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 2017 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-2017 at the LaFayette Town Hall, 2577 Route 11, LaFayette, New York on November 14, 2017 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 question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Steven J. Zajac	Councilman	Voted	Yes
Melanie Palmer	Councilwoman	Voted	Yes
Kerry Evans	Councilwoman	Voted	Yes
Douglas Daniel	Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

DATED: October 10, 2017

D. Local Law E-2017 extending for an additional (6) six month period the moratorium on Free Standing Solar Panel Installations. Supervisor Daniel explained that this law is to ensure that our Comprehensive plan that is designed to preserve our farmland is protected. This law is in regards to Commercial Solar Farms only. The Solar Committee is working on the issue so the town is requesting this extension.

TOWN OF LAFAYETTE
PROPOSED LOCAL LAW E-2017

Proposed Local Law E-2017 Extending for an Additional six (6) month Moratorium on the Review and/or Issuance of Any and All Permits, Certificates, Licenses and Appeals for the Construction, Use or Operation of Free Standing Solar Panel Installations within the Town of LaFayette

SECTION 1: LEGISLATIVE INTENT

The Town of LaFayette presently has in effect a Town Zoning Law which has established regulations for building, construction and allowable uses within the town. The Town Board is of the opinion that a period of time is necessary to adequately

review the current regulations concerning free standing solar panel installations, and to determine whether additional local regulations are necessary in order to preserve and protect health, safety and welfare of its residents. Such free standing solar panel installations can be both residential, commercial, large, obtrusive, and can and may pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations that may pose a risk. This moratorium will enable town officials to review and comprehensively address the issues involved with free standing solar panel installations that are becoming increasingly popular in our rural community. The town recognizes the potential benefits and desirability of solar power and renewal energy sources, but determines time and research is necessary to determine how to properly regulate the installations. The Supervisor and Town Board deem this moratorium emergent and immediately necessary for the Town. This Local Law is enacted pursuant to the authority of the New York State Municipal Home Rule Law.

SECTION 2: DEFINITIONS

Free Standing Solar Panels – A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy. Such devices or installations may be free standing or pole mounted.

For purposes of this moratorium the definition of Free Standing Solar Panels shall not include residential solar panel applications with a rated capacity of 12 kw or less so long as the power generated by said residential solar panels is principally used for the residential use for the property on which it is located.

Person - The term person shall include any individual, partnership, association, corporation, landowner, lessee or licensee.

SECTION 3: MORATORIUM

The Town Board hereby enacts a moratorium which shall prohibit the construction, erection or placement of Free Standing Solar Panels anywhere within the Town.

For a period of six (6) months following the effective date of this Local Law, or sooner if the Town Board so determines by resolution that the intent and purpose of this law has been satisfied, the Town Board, the Town Planning Board, the Zoning Board of Appeals and the Code Enforcement Officer and all other officers and employees of the Town of LaFayette shall not accept, process, review or grant approval of any Building Permit, Site Plan, Use Variance, Area Variance or Specific/Special Permit applications or any other land use approval pursuant to the Zoning Law of the Town of LaFayette or any other laws of the Town, in connection with Free Standing Solar Panels within the Town of LaFayette, regardless of whether such applications have been submitted to the Town Board, Planning Board, Zoning Board of Appeals or Code Enforcement Officer prior to the effective date of this Local Law.

This moratorium shall apply to all zoning districts and all real property within the Town.

Free Standing Solar Panels that have been previously approved are expressly excluded from this moratorium.

This Local Law shall act as an extension to the moratorium adopted by the Town Board on June 19, 2017 and filed with the New York Department of State on June 19, 2017.

SECTION 4: RELIEF FROM PROVISIONS OF THIS LOCAL LAW

The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

Application for relief shall be filed in triplicate with the Town Clerk together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorneys' fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.

The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made by the Town Board solely, after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Clerk, and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 5: PENALTIES

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a free standing solar panel in violation of the provisions of this local law, shall be subject to:

A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

SECTION 6: ENFORCEMENT

This local law shall be enforced by the Code Enforcement Officer of the Town of LaFayette or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

SECTION 7: VALIDITY & SEVERABILITY

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 8: EFFECTIVE DATE

This local law shall take effect immediately upon enactment and shall remain in force and effect for a period of six (6) months from the date of enactment.

TOWN OF LAFAYETTE
TOWN BOARD RESOLUTION

October 10, 2017

TOWN OF LAFAYETTE LOCAL LAW E OF 2017
("A Local Law Extending for an Additional Period of Six (6) Months the
Moratorium on the Review and/or Issuance of Any and All Permits,
Certificates, Licenses and Approvals for the Construction, Use or
Operation of Free Standing Solar Panel Installations in the Town of LaFayette")

Councilor Daniel introduced proposed Local Law No. E- 2017, to extend for six (6) additional months a Moratorium on the review and/or issuance of any and all permits, certificates, licenses and approvals for the construction, use or operation of free standing solar panel installations in the Town of LaFayette until the Town enacts comprehensive legislation regulating the construction, use or operation of free standing solar panel installations, whichever shall occur first in the Town of LaFayette, and made the following motion, which was seconded by Councilor Palmer.

WHEREAS, proposed Local Law No. E-2017 will extend a Moratorium review and/or issuance of any and all permits, certificates, licenses and approvals for the construction, use or operation of free standing solar panel installations in the Town of LaFayette, originally enacted as Local Law No. 3-2016; and

WHEREAS, in furtherance of the purposes for such a Moratorium, the Town Board appointed a Committee to inquire into and make a recommendation to the Town Board as to the manner by which free standing solar panel installations should be regulated within the Town; and

WHEREAS, said Committee and their counsel have met regularly, conducted numerous inquiries into the issue and continue to receive and digest the appropriate amounts of data regarding the subject matter, the deficiencies in the current Town Zoning Law, the input from the various stakeholders and conducted research on the subject; and

WHEREAS, the Committee has not completed its work or review, nor has it been in a position to make its recommendations to the Town Board as to such regulations; and

WHEREAS, the Town Board recognizes that any potential amendments to the Town's Zoning Law or to the adoption of a comprehensive law will require a sufficient length of time for thoughtful consideration, due diligence, and appropriate review; and

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

NOW, THEREFORE, in order to maintain the status quo until the consideration of adoption of any proposed legislation, the Town Board desires to consider extending the Moratorium for an additional six-month period or until such shorter period of time as the effective date of any legislation, it is

RESOLVED AND DETERMINED that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, and the Town Board shall act as lead agency in this matter and the enactment of proposed Local Law No. E-2017 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under SEQRA; and it is further

RESOLVED AND DETERMINED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. E-2017 at the Town Hall located at 2577 Route 11, LaFayette, New York on November 9, 2017 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED that the Town Clerk is hereby directed to cause a Notice of said Public Hearing to be published in an official newspaper of the Town.

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

Kerry Evans	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Steven J. Zajac	Councilor	Voted	Yes
Douglas Daniel	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: October 10, 2017

Supervisor Daniel moved and Councilor Palmer seconded the motion to extend the Moratorium on Free Standing Solar Panel Installations for an additional 6 months with the type II action for SEQR purposes. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

E. Verizon Groth Road Tower – Atty. Gilligan advised that we were sent this three (3) part paperwork to agree to and sign. That is was basically done in retrospect and we have basically already agreed to all of this but by signing it we are just making them happy and not harming the town.

a. E.A.F form has already been completed by Atty. Gilligan with a negative declaration.

b. Compliance Statement

c. Lease Agreement for the tower located at 3224 Groth Road, LaFayette NY, County of Onondaga, State of NY and constructed prior to 3/16/2001.

Councilor Evans moved and Councilor Palmer seconded the motion to approve the short Environmental Assessment Form and rendering a negative declaration for purposes of SEQR. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

Councilor Palmer moved and Councilor Evans seconded the motion to sign the agreement for the collocation of wireless antennas and the Nationwide Programmatic Agreement for review of effects on Historic Properties Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

Supervisor Daniel moved and Councilor Evans seconded the motion to sign the agreement regarding the approval and ratification of the Verizon lease on the Groth Road cell tower. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

7. OPEN COMMUNICATIONS FROM THE PUBLIC –

A. Martin Ossenburg submitted a written paper with eight (8) questions for the board: Q: 1) has the farmer Griswold applied for a building permit? ; 2) Have you issued a stop work order to Griswold pursuant to Article VII, Section A & B? 3) Will Ralph Lamson, zoning officer speak up now with regards to the above ref. Article and sections?;4) Is a statement not a questions the ZBA’s final interpretation of Article VII sectionB.6 is that the board can demand that the farmer apply for a permit to construct the waste storage facility. 5) will the board enforce the zoning ordinance and instruct the zoning officer to respond to his duties as outlined in the zoning ordinance per resolution dated 6/27/83?; 6) Per the Storm Water Mgmt & Erosion Control law a permit must be issued whenever more than ½ acre of land is disturbed,Hhas Mr. Lamson acted on that requirement (Local Law 2-2012)? These questions were all answered with a response that they will refer these questions to Mr. Lamson and instruct him to reach out to him.

Q: 7) Is the board prepared to make a statement as to why they refuse to enforce local laws: Supervisor Daniel said that that is a strong statement that the board will not refuse to enforce anything that they are legally empowered to do for the betterment of the community and its citizens. No we are not here to refuse to abide by the law.

Q: 8) The town board minutes are consistently late for review by the public per municipal law they are to be available within two (2) weeks. Supervisor Daniel agreed that this was true and that he will get with the clerks to rectify this issue.

B. Councilor Zajac requested that we discuss since all parties are present the moving forward of trying to Bond for the repairs from the July 2, 2017 storm. He's been in contact with Atty. Gilligan, Tom Chartrand & Highway Department and would like to have a discussion to figure out where we stand to move forward with the this bonding. Supervisor Daniel voiced his concern that this was not the right time for this discussion that it should be an agenda item but that he was open to discussing it. Councilor Evans agreed that it should be discussed. Councilor Zajac stated that the engineers are here and we've had our numbers since the 2nd and that every other town with storm damage is moving forward with bonding, lining up contractors, and are moving forward with getting repairs to the roads for public safety. The longer we wait the further down the list we move. He can't see any reason why we can't work on the resolution to get the bonding done. It'll be (50) fifty days before we can do anything, but there is no reason to hold it up.

Jeff Palin of C & S advised that he agreed completely. Stating that Mark Chambers and John Greeley went out and looked at the (12) twelve sites; (6) six were determined to be projects that the highway department can take care of and the other (6) six sites were in need of engineering and D.E.C. permits. His recommendations would be referencing the new highway garage project where the town bonded on a set amount before we even started design so we had a number that we had to fit the project into. This was good because it held their feet to the fire as a town, as the engineers of record to make sure that we delivered a building that fit a specific dollar amount? So, I do think that there's an opportunity to sit back and look at this one a little bit different. My recommendation to the board is that I am all for the bonding because we need to get these roads fixed for sure. The (6) six definitely need some help so my proposal is to go forward with a full blown design, receive public bids, pick the lowest qualified bidder and then that number is locked up, and we know the number for the (6) roads, the soft cost, the legal costs, the bonding costs. Then roll that with an estimated cost for the other (6) six roads then we will have a much firmer number for the town to bond for whether it is higher or lower. My fear is as the town engineers is that if we will sit here in 2-3 months and not know what we don't know? We could not bond for enough money and then be in a position where we need more money because we didn't know what we didn't know during design. I don't want to be in that position. I would rather be in a position where we have more knowledge under our belts designing fully. We know we need (2) two D.E.C. permits so if the board gave authorization today we are about (4) four weeks out, at least, to the a project on the street; then (2) two weeks is an accelerated bid schedule (he would prefer 3 weeks) to receive bids, then make a recommendation award, then we will have the D.E.C. permit in there. Unfortunately we've run out of construction season this year so it will be spring 2018 construction given that it makes good sense to push hard with solid hard engineering, then we have that number locked up. John (Greeley) and Mark (Chambers) can still work the numbers on the other (6) roads and pin that down as far as scope of work and quantities and be conservative. I do think the (6) six roads we know need engineering support and D.E.C. approval if we just go full bore ahead with the numbers we threw out

on 8/10/17 it probably close but it might not be... and my fear is that it might be low and then we are short siding some roads that might need help in the future so , I know that time is of the essence but I want to do this smartly and right so that we don't undercut ourselves. This is just my recommendation based on our past experience with the highway garage project. If this were July I would say we can be a bit more conservative but being the fall and in need of some D.E.C. permits I don't realistically think we can get this thing started in all good fashion and completed before we run out of good weather. We need to publicly bid these, we need a bid window, time for D.E.C. permits approval process, I just think that we're pushing up against a bad time of year. Again this is just my opinion.

Atty. Gilligan stating with bonding we are also looking at a permissive referendum period of 30 days and a nostopa period of 20 days and you're going to look at a public sale of the bonds which would take another couple of weeks. This puts you up to Christmas time so what Jeff Palin is suggesting is where we are as just a matter of fact. Mark Chambers advised that we are getting asphalt plants that are preparing to close on or about Dec. 1st so were at the end of that at window with the schedule we just mentioned we aren't going to meet that at this point, and asphalt is going to be a key component in this project.

Councilor Zajac questioned to get the engineers going... what's that going to entail? Jeff Palin advised that he has a proposal drafted with a scope and a fee for the board's consideration and if that meets the board's approval we are off and running and will push as hard and fast as possible but realistically in speaking with Mark Chambers and with six (6) different project sites and we know that Cascade and Sugarbush both need D.E.C. permits that takes a minimum of four (4) weeks. The next step would be to get approval from the town board for full blown engineering documents & construction documents so that we can publically advertise and see bids from qualified contractors. Councilor Zajac – What was the cost you would have that at?

Jeff Palin – I have the scope, I don't have the cost locked in yet because we're locked into some prior hourly rates, but I can have that out to he board by the end of the week.

Atty. Gilligan – the problem is that our next meeting isn't until next month; Councilor Zajac advised that we meet next week at an open meeting Atty. Gilligan advised that we will need to post the notice of this as an open meeting with no specific details just an open meeting on Oct. 19th at 5:30 at the town hall

Mark Chambers – Just a note we should be getting very competitive bids in the January/ February time frame.

Jeff Palin – Steve just to answer your question, we are looking at ball park \$30,000 under for engineering support.

Supervisor Daniel – I think if we try to move to fast and by law we are not obligated to get bids for professional services. I would like to take our time. I spoke with Fiscal advisors and they too did not recommend going for the bonding now. They suggest that we submit for the bonding in March or April because if we do we will start to pay interest now and that is money wasted. Atty. Gilligan interjected and advised that we only pay if we take money. Supervisor Daniel continued by saying that we should pull back and move forward because of the physical limitations that the engineers have pointed out, instead of trying to ram this thing through next week, waiting until next month isn't going to affect anything because the project isn't going to fly. Supervisor Daniel also advised

that he spoke with Dan Weir and Bob Duell of Homeland security who said that they have not gotten paperwork submitted, Highway Superintendent Greeley disputed that by saying he has an email saying that they have. Supervisor Daniel that he was advised by FEMA that they have these other major events ahead of us; Florida, Houston Puerto Rico, and the paperwork on this isn't going through until early April so... the positive side on doing it this way; Phase 1, Phase 2, etc.. is that we will have solid numbers to give FEMA cause they're only going to pay us for what we do and there is no guarantee that you are going to get the FEMA money back, likely yes but no guarantee. The weather is going to preclude us from pushing this thing forward and we gain nothing.

Highway Superintendent Greeley – Other towns; Tully, Otisco, Fabius, Pompey, Spafford are light years ahead of this town board in regards to making their roads safe for their residents so while do appreciate that you're looking out for our taxpayers I think it is more important to look out for our tax payers by keeping our roads safe. That is the law, we have to do it. In saying that, this bonding issue, I truly believe that we have a responsibility to maintain, fix and make road safe. What's our liability for these unsafe roads when we haven't made an effort to repair them?

A heated discussion ensued between Greeley and Daniel with regards to Supervisor Daniel question about where these questions were in months past and why a town board member wasn't present during these meetings with Dan Weir and Bob Duell. The point is that we can't hold off on the safety of the roads because we want to hold off on the bonding. Atty. Gilligan stating previously that we don't pay for the interest until we start using the money, we still have to bid this out. We are still trying to work with the town to save money. Supervisor Daniel agreed that we need to get it done but we have time. Greeley said the cost shouldn't matter when it comes to making the roads safe for the people. Cost shouldn't even be an issue. Supervisor Daniel said that we don't know what the cost is is what I am hearing from C & S that we should take these steps. Greeley agreed but he doesn't want to wait until January, February, or March before we even start to take the steps. Other towns are already fixing their roads because they took charge and did it. Supervisor Daniel ended the conversation and asked if any other board member had any other questions or comments.

Councilor Zajac stated that he would prefer to have C & S move forward on putting together the real plan and cost structure and get it out for bid. You say we aren't in a hurry well this isn't a hurry this is just taking the 1st step to get the ball rolling.

Conversation continued and it was ultimately agreed that this discussion would continue at the Open meeting on October 19, 2017.

Councilor Evans moved and Councilor Palmer seconded the motion to set a special meeting on October 19th, 2017 at 5:30pm. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

8. REPORTS

1. Town Supervisor

a. Budget Officer Tom Chartrand submitted the Monthly Financial Report. Court fees have finally hit 50% for this year we are still behind there compared to previous years. We continue to get tower rent from T-Mobile. We did get our State of New York Revenue Sharing EAM money that came in at what we budgeted for so that is good news. The scrap metal money from clean up days finally came in, and we did get \$14k from State of New York Winter Severity party of the CHIPS funding and we will be submitting for the balance next month, it has to be in by November 11th. For expenditures, nothing really out of the ordinary but in review of the main report there is a transfer sheet; transferring funds from Contingent and Youth Program Contractual to Attorney Contractual and Youth Program Personnel due to an overage in Attorney Services.

b. Transfer of Appropriations

GENERAL FUND				
To:	A1420.4	Attorney	Contractual	15,000.00
	A7310.1	Youth Program	Personal Services	<u>500.00</u>
				15,500.00
				=====
From:	A1990.4	Contingent	Contractual	15,000.00
	A7310.4	Youth Program	Contractual	<u>500.00</u>
			TOTAL	15,500.00
				=====

Councilor Palmer moved and Councilor Evans seconded the motion to approve the transfer of funds per Budget Officer Chartrand recommendations.
Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

2. Superintendent Report –

Roads- Mowing ops will wind down. Minor Ditching and shouldering will continue.

- July Storm Related damage on Amidon Road is complete and has been mitigated. Greeley gave a special thanks to his Deputy Steve Robson for all of his hard work & dedication. Status on Bonding – Discussed in the Open Communications portion of the meeting.
- Cascade Road Culvert pipe wash-out has been temporarily repaired and is safe for the traveling public now.
- Minor trees down over Apple Fest weekend. I took care of it.

- Planter boxes will be picked up a.s.a.p., Councilor Palmer to reach out to people who sponsor the boxes to get them cleaned out for the highway guys to pick them up.

Equipment – The 1999 International Plow Truck Auction is completed. The truck sold for \$7,200.00. Arrangements will be made with the successful bidder for pick up.

Supervisor Daniel moved and Councilor Evans seconded the motion to authorized Highway Superintendent John Greeley or Steve Robson to sign any necessary Paperwork for the Transfer of the 1999 International Plow Truck.

Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

- Work will begin to start putting plow equipment together on Town plows.
- Some paint restoration will be performed

3. Town Clerk

a. Monthly Report – Deputy Clerk Colburn advised that the Town Clerk September Monthly Report was in the Town Board’s packet for their review.

4. Building & Zoning Code Enforcement / SPDES –

a. Ralph Lamson submitted the September Building Permit Report.

5. Justice Court

- 134 Total cases for Judge Perrin; \$11,592.00 taken in for the month of August, 2017.
- 88 Total cases for Judge Shute; \$7,180.00 taken in for the month of August, 2017.

6. Library, Parks & Recreation - Dave Prince reported that there is nothing to add to the Library Directors report; Parks - he has a couple of end of the year projects to finish up; plans to close the bathrooms and shut off the water after November 1st, and will order the porta potty’s after that. Lastly Tom Rezsnyak did his inspection and there were no major issues just a few minor ones that can easily be fixed. Recreation – Soccer program is going great, new this year he recruited Varsity boys and girls to be our referees and that is going well. Basketball starts in November. He has been in touch with Song Mountain and will probably do sign ups on November 15th just waiting on prices to come in on that. Adult exercise WERQ program they have (6) six regulars and are hoping to increase that number as people hear more about it.

B. COMMITTEES

1. Employee Policies and Benefits – No Report

- 2. Recreation and Youth - No Report
- 3. School District Liaisons – No Report
- 4. SOTS & OCRRA – No Report
- 5. Service Awards – No Report

C. TOWN ATTORNEY/LITIGATION & OTHER LEGAL MATTERS - Attorney Gilligan advised that he had no other legal matters or new business

10. Motion to audit and pay bills.

General Fund	11551 – 11589	\$43,883.56
Highway Fund	11590 – 11604	\$35,941.70
Special District	11621	\$85.35

Supervisor Daniel moved and Councilor Palmer seconded the motion to audit and pay the above listed bills. Motion carried 4 - 0.

Doug Daniel	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes

11. Motion to adjourn.

Supervisor Daniel moved and Palmer seconded the motion to adjourn the Meeting. Motion carried 4 -0.

Doug Daniel	Supervisor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

Meeting adjourned at 10:15 pm.

Respectfully Submitted,

Kristin Colburn
LaFayette Deputy Town Clerk