**May 9th, 2017 LaFayette Town Board Meeting Minutes**

Minutes of the Town Board Meeting held by the LaFayette Town Board on May 9th, 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: Andrew Ohstrom, Supervisor

 Doug Daniel, Councilor

 Melanie Palmer, Councilor

 Kerry Evans, Councilor

 Steve Zajac, Councilor

 Recording Secretary: Jacqueline G. Roorda, Town Clerk

 Others Present: Kevin Gilligan, Town Attorney

 Thomas Chartrand, Budget Officer

 Ralph Lamson, Bldg. & Code Enforcer

 David Prince, LCC, Parks, Library

 John Greeley, Hwy Superintendent

 And Several Residents.

1. Supervisor Ohstrom 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 Zajac.

3. The Town Clerk, Jackie Roorda took the Roll. All present.

4. Town Board Minutes of April 11th, 2017 Regular Meeting.

**Supervisor Ohstrom moved and Palmer seconded the motion to accept the April 11th, 2017 regular meeting minutes as reviewed and submitted by Town Clerk, Jackie Roorda. Motion carried 5 -0.**

 **Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

5. PUBLIC HEARINGS – None

6. COMMUNICATIONS

 A. VFW Support request for the 2017 Memorial Day Parade. No motion was necessary as a voucher has already been signed for the annual support for the parade.

 B. Solar Moratorium Extension – Attorney Gilligan advised that all of the solar logistics are not in place and an extension to explore legalities is necessary, recommending a 6 month extension. Supervisor Ohstrom questioned if this could be a 60 day extension in order to move forward with the code ordinance and codification process which has been on hold for legal reviews. Gilligan recommended six months, advising that the time frame can be shortened if legal items are in place at an earlier

time.

**TOWN OF LAFAYETTE**

**PROPOSED LOCAL LAW A-2017**

**Proposed Local Law A-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

1. The Town Board hereby enacts a moratorium which shall prohibit the construction, erection or placement of Free Standing Solar Panels anywhere within the Town.
2. 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.
3. This moratorium shall apply to all zoning districts and all real property within the Town.
4. Free Standing Solar Panels that have been previously approved are expressly excluded from this moratorium.
5. This Local Law shall act as an extension to the moratorium adopted by the Town Board on November 10, 2016 and filed with the New York Department of State on November 10, 2016.

SECTION 4: RELIEF FROM PROVISIONS OF THIS LOCAL LAW

1. 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.
2. 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.
3. 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.
4. 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:

1. 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.
2. 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**

**May 9, 2017**

**TOWN OF LAFAYETTE LOCAL LAW A 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”)**

Supervisor Ohstrom introduced proposed Local Law No. A- 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. A-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. A-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. A-2017 at the Town Hall located at 2577 Route 11, LaFayette, New York on June 13, 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 foregoing resolution was thereupon declared duly adopted:

 **Motion carried 5 in favor and 0 opposed.**

 **Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

C. Bertha King Proclamation – This was read by Supervisor Ohstrom and signed by the Town Board.

TO HONOR BERTHA KING UPON HER 103RD BIRTHDAY

 WHEREAS, Bertha King was born on April 21, 1914 in Hornell, New York to her parents Thomas and Olava Pedersen; and

 WHEREAS, Bertha King’s early childhood was spent in Norway before her family eventually settled in Onondaga County in 1924; and

 WHEREAS, Bertha King graduated from Vocational High School of Syracuse in 1933; and

 WHEREAS, Bertha King married John Paul King in 1937, they lived in North Carolina briefly, ultimately, raising their two daughters, Judith and Andrea, and their son, Thomas in LaFayette; and

 WHEREAS, Bertha King also has three grandchildren and four great-grandchildren to help her celebrate the remarkable milestone of turning 103 years old; now, therefore be it

 RESOLVED, that The Town of LaFayette Board does herby recognize April 21st as Bertha King Day in the Town of LaFayette.

 We hereby certify that the foregoing resolution was duly approved by the Town Board of LaFayette, New York on May 9th 2017.

 D. Manure Storage Facility/Update

Attorney Gilligan advised that the FOIL requests were sent to the Department of Conservation, Ag & Markets and Onondaga County Soil & Water and response time frames are 30 to 60 days.

Over an hour of continued discussions took place regarding the following manure storage facility topics;

 Earth Justice lawsuit against the Department of Conservations on behalf of the Environmental Group/ Kettle Lakes River Keepers, Inc., Water Keepers, Inc., Theodore Gordon Flyer Fishers & a group of focused citizens and a Town Board Member meeting with them; Supervisor Ohstrom request that Kim Scott email him a list of the citizens signed up for the committee which he will forward to Attorney Gilligan;

* Adjusting the maximum weight limit on Markland Road which is currently (5) five ton, with the exception of farm vehicles and local delivery; Road damage concerns, number of trucks deliveries on Markland Road, road temperatures that effect road damage, proving who damages the road, more knowledge about the actual gross weight of the farm equipment.
* Limiting truck delivery times to between 8 am – 5 pm deliveries on ALL town roads however this would impact deliveries of oil, propane, UPS, etc.… Kevin to see if we can add a clause for emergency deliveries: i.e. middle of the night fuel delivery, hardship on local businesses, public access for tax payers whom reside on Markland Road. Highway Superintendent Greeley advised that he will contact Griswold regarding weight of equipment and hours of use.
* Enforceability in restrictions that may be put in place, utilizing our contract with the Sheriff’s Dept. to enforce laws/ regulations as we have no local town police department; i.e. failure to stay right, speed limit, weight limit, possible enforceable $500/day fine.
* Reducing the speed limit on Markland Road from 35 mph to 30 or 25 mph; what current signs are posted on Markland Road; Markland Road residents process of petitions signed by residents of the road in support of the speed limit being reduced; a list of speed limits on all LaFayette Roads from the Highway Superintendent; speed limits of roads not listed in LaFayette Codes and being already established by NYS Code 113.24.
* Possible warning/flashing yellow lights to alert public traffic of farm equipment and hazards, fines for littering and the correct definition of what is determined as liter;
* Columbia Service Contract/doing our own Amicus filing in support of Earth Justice as there is no cost involved – Introductory Resolution by example of the “Homer Law” site plan approval for any 100,000 cubic foot or greater manure pit becoming a new LaFayette Proposed Local Law as drafted by Attorney Gilligan.

The following resolutions were made.

**Councilor Daniel moved and Evans seconded the motion for the Town Board approval in joining in the Earth Justice Lawsuit against the Department of Conservation, as an Amicus Party to be represented by Morningstar Heights Legal Services, Inc. authorizing the Supervisor to sign the retainer agreement. Motion carried 5 – 0.**

**Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

**TOWN BOARD RESOLUTION**

**May 9, 2017**

 Supervisor Ohstrom introduced a proposed local law, amending the Town’s Zoning Ordinance to Create Site Plan Review Regulations for Liquid Manure Storage Facilities relating to the proposed construction or expansion of Liquid Manure Storage (LMS) Facilities within the Town of LaFayette which was seconded by Councilor Zajac:

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

 **NOW, THEREFORE,** it is

 **RESOLVED AND DETERMINED** that the amendment under consideration would result in adding a new Section K to Article V (“Parking and Signs and Supplemental Regulations”) and it is further

 **RESOLVED AND DETERMINED that** the Local Law attached hereto is hereby introduced for the Town Board’s consideration.

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

 **Motion carried 5 in favor and 0 opposed.**

 **Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**TOWN OF LAFAYETTE**

**PROPOSED LOCAL LAW B-2017**

**A LOCAL LAW TO AMEND THE 1970 ZONING ORDINANCE OF THE TOWN OF LAFAYETTE TO CREATE SITE PLAN REVIEW REGULATIONS FOR LIQUID MANURE STORAGE FACILITIES**

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

**SECTION 1. Legislative Intent and Findings.**

The purpose and intent of this Local Law is to amend the 1970 Zoning Ordinance of the Town of LaFayette to provide for site plan review regulations for the proposed construction or expansion of Liquid Manure Storage (LMS) Facilities within the Town, which Facilities have a manure storage area in excess of 100,000 cubic feet. The Town Board understands that from time-to-time, local farmers require the ability to store large quantities of manure in order to fertilize crops and carry out other farming operations in an efficient and economical manner. Nonetheless, the Town Board finds that LMS Facilities can be a potential threat to the health, safety and welfare of Town residents and the surrounding environment. The Town Board further finds that, despite the existence of State and Federal regulations, which set detailed performance standards for the construction and maintenance of such Facilities, some measure of local oversight is required in order to ensure the transparency of the process surrounding the permitting, construction and expansion of these Facilities, and to ensure that any adverse impact upon Town residents is minimized. The site plan regulations adopted by this Local Law seek to achieve these goals without placing unreasonable restrictions on farming operations.

**SECTION 2. Authority.**

The Town Board enact this Local law in order to protect the health, safety and welfare of its residents, pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

**SECTION 3. Amendment of the 1970 Zoning Ordinance of the Town of LaFayette.**

To achieve the purpose and intent described in Section 1 of this Local Law, Article V (“Parking, Signs and Supplemental Regulations”) of the 1970 Zoning Ordinance of the Town of LaFayette is amended to add a new Section K, as follows:

**“SECTION K. LIQUID MANURE STORAGE FACILITIES**

1. **Controlled Site Plan Review for Liquid Manure Storage (LMS) Facilities.** Any person, corporation or other entity which constructs, creates, or expands a Liquid Manure Storage (LMS) Facility with a capacity greater than 100,000 cubic feet must obtain Controlled Site approval from the Town Planning Board pursuant to the procedures set forth in Section B of Article III of this Zoning Ordinance prior to commencing construction. As it specifically pertains to the review of applications made pursuant to this Section, all references in Section B of Article III of this Zoning Ordinance to the requirements and regulations set forth in Section C of said Article shall hereby refer this Section.
2. **Required Submissions.**  Applications for Controlled Site approval for proposed LMS Facilities shall include all of the following unless otherwise directed by the Planning Board:
	1. A sketch of the parcel on a location map showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties, locations of neighboring private wells, and easements, right-of ways and/or roadways.
	2. Plans showing the existing geographical features of the site of the proposed LMS Facility including land and water areas, the approximate location of all existing structures on or immediately adjacent to the site, and the circulation of traffic including the means of ingress and egress.
	3. A description of the farm operation and a narrative of the intended use of the proposed LMS Facility, as well as a description of the months, days, and hours of the day during which manure will be transported to, placed in, and drawn out of the LMS Facility. The narrative must also include anticipated changes in the existing topography and natural features of the parcel as a result of the LMS Facility construction. The narrative must further include the names, addresses and telephone numbers of the owner and operator (if different than the owner) of the farm operation, the engineer or engineering firm involved in the design and/or construction of the LMS Facility, other professionals involved (such as surveyors), and all State and Federal agency stakeholders responsible for the regulation and monitoring of the construction and subsequent maintenance of the LMS Facility.
	4. One paper copy and one electronic copy of stamped engineering drawings of the proposed LMS Facility, which include dimensions and elevations.
	5. The application form and application fee in an amount determined by Town Board resolution pursuant to Subsection 1 of Section B of Article III of this Zoning Ordinance.
	6. Copies of all plans, applications, correspondence and any and all other submissions made by the applicant or his/her/its authorized agents, employees, designees or affiliates to any governmental agency or agencies involved in the approval, regulation, monitoring or maintenance of the proposed LMS Facility, and any and all approvals, denials and/or responses received from said governmental agencies regarding said submissions.
3. **Setback Requirement.** All proposed LMS Facilities shall maintain a setback of 250 feet from all residential property lines, existing wells, water bodies, and public water supplies to the extent that such setback requirement is economically and environmentally feasible. It shall be the burden of the applicant to demonstrate economic and/or environmental infeasibility with regard to this setback requirement.
4. **Monitoring Wells.** The Planning Board may require a monitoring well or wells for any manure storage which is located within 1000 feet of a residence or water supply well.
5. **Screening and Fencing.** The Planning Board may require screening and fencing in a manner that is consistent with USDA standards which are incorporated in an approved conservation plan.
6. **Exemptions.** This Section shall not apply to storage of manure inside a barn.
7. **Public Hearing.** The Planning Board shall hold a properly noticed public hearing in accordance with Subsection 2 of Section B of Article III of this Zoning Ordinance on any application for Controlled Site approval submitted pursuant to this Section.
8. **Planning Board Action Subsequent to Public Hearing.** Pursuant to Subsection 2 of Section B of Article III of this Zoning Ordinance, within 60 days after the public hearing, the Planning Board shall make its decision upon the application and shall deliver a written report to the Code Enforcement Officer denying, approving, or approving the application with changes and conditions.
9. **Permitting.** Upon receipt of the Planning Board’s approval of the applicant’s application, or upon receipt from the applicant of amended plans reflecting compliance with the Planning Board’s required conditions for approval, the Code Enforcement Officer shall issue a permit for the proposed LMS Facility.
10. **Severability.** If any clause, sentence, paragraph, or subsection of this Section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or subsection thereof directly involved in the controversy in which such judgment shall have been ordered.”

**SECTION 4: Severability**

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

**SECTION 5: Effective Date**

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

**Motion made by Supervisor Ohstrom and was seconded by Evans to start the process on reducing the speed limit on Markland Road from 35 mph to 25 mph. Motion Carried 5-0**

 **Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

Supervisor Ohstrom recapped the discussions/actions with regard to the Manure Storage Pit and the end goals anticipated.

 1) FOILS requests

 2) Earth Justice and Homer/LaFayette Local Law on Site Plan Review

 3) Speed limit reduction

 4) Flashing caution light

 5) Legal definition of “litter”

 6) Highway Superintendent Greeley to contact Griswold clarifying weight or equipment and commitment in writing to operate equipment Monday – Friday during the hours of 8:00 am – 5:00 pm as Griswold previously stated.

Ohstrom also advised that he has copies of the response from Michael Latham, Director of Land and Water Resources from his letter of April 27th, 2017 regarding site plan review (copies of which were available to those in attendance and at Town Clerk’s Office for any other interested parties).

Discussion continued regarding Griswold’s agreeing to move the pit farther back which will effect FOIL requests, Nation archeological studies possibly already set in place, contacting Griswold and determining if the site is to be moved, the exact location of where it will be placed.

Residents questioned how they may be more alerted and knowledgeable to upcoming topics and meetings as did not feel they were property prepared for manure informational meeting. Public Hearing notices, where they are located and accessible to all residents prior to meetings. Topic of March 8th informational session regarding the Manure Storage Facility and availability of the minutes. Ohstrom advised that all the members of the Town Board had not reviewed said minutes however they should be available at the next meeting if they are reviewed. Town Clerk Roorda advised that it was not an official Town Board meeting, it was more as an informational session meeting however she did try to capture as much information as possible and they are welcome to have access to them when the Board has completed their review.

E. AFLAC – Presentation by Tim Smith and Joe Clark offering nine different subsequent insurance programs to employees in LaFayette. Supervisor Ohstrom advised that surprisingly, Municipal employees are not covered by New York State Disability Insurance. There are approximately 19 active employees paying for insurance benefits.

 The presentation covered the programs offer, focusing on the Disability and Cancer policies helping with co-payments, deductibles, assists with travel expenses such as gas, parking, tolls, hotels, etc. making a huge financial difference to families going through sicknesses. The contract is between the employee and AFLAC with AFLAC setting up pre-tax program with no cost to the Town of LaFayette. Also discussed was payroll deduction concerns, open enrollment period, communication between AFLAC and our Budget Officer, and working with the staff.

Supervisor Ohstrom requested some written information from AFLAC to give to those interested. He asked for John Greeley to arrange a time for his staff and Jackie Roorda will reach out to the Town Hall employees to arrange times to meet with AFLAC representatives regarding the Disability and Cancer programs. In the future other programs may be investigated.

7. REPORTS

 A. Departmental

1. Town Supervisor

a. Budget Officer Tom Chartrand submitted the Monthly Financial Report for April 2017.

Chartrand reported

 Revenue Items to note: Justice Court revenue was up due to 2 months of deposits, otherwise the overall numbers look good.

 No transfers of appropriations are necessary at this time.

2. Highway Superintendent John Greeley’s written and verbal report:

**Roads**: Spring Brush Pick-up is completed. Next pick-up date will be in August – TBA

**Equipment**: Last Board Meeting we discussed the purchase of a new plow truck. We also discussed two options for the board. I encourage the board to keep working for a solution to the purchase of a new plow/dump truck and look at the bigger picture of the long term equipment replacement plan…

Currently, the “batwing” mower is up and running and Dave Prince is using it.

**Dump days**: Currently in progress: Hours – Monday – Friday noon-6:00 pm. Saturday (5-13) 9:00 am – 4:00pm.

Following dump days, there will be one week clean up to recycle E-waste, refrigerant, tires and the remainder of metal. Steps are also being taken to sell the Town’s excess wood chips to a biofuel company in Oswego to help defray the clean-up day’s costs. Wood chips will still be available to residents at no charge…

The Boy Scouts are currently staining the Planter Boxes. I will check on progress when I’m done here. The Highway Department repaired and pressure washed them.

**CHIPS:** The Highway Department will receive $62,285.87 in CHIPS Capital Improvement money - $14,217.37 for PAVE NY and $11,870.00 EWR (winter severity rate).

CHIPS – basically holds the line…

PAVE NY – Approx a 15% increase

EWR – Very generous

Greeley complimented the Highway crew for doing such an excellent job with brush pick-up and the dump days. He also advised that he just heard that the Boy Scouts have completed the flower boxes and they will be delivered to their specific locations on Friday.

Legislator Dave Knapp reported that the money received is actually for winter severity rate and to fix roads. Greeley commented that they will be widening (6) six turnarounds to make bigger areas for school buses.

Greeley reported that he has already spoken with Attorney Gilligan regarding abandoning Morezak Road. Resident Mark Schaub is building a house at the end of the road and once again approached Greeley about the Town abandoning the road, which will become part of his driveway. He does not have the funds to survey and bring the abstract to date or money to extend his driveway. Greeley advised that the Town will have to maintain the road on right of way for safety at a cost of $25,000 and replace a 40” culvert pipe, if we don’t abandon the road. Gilligan advised legal procedures are required and need to make sure no properties involved are landlocked. He advised Greeley to check with Assessor Shawn Adam to check the tax records; need to reach out to all who have access use of Morezak Road and make good faith attempts to contact them via certified mail/return receipt prior to abandoning the road. Ohstrom commented that this will be subject to Permissive Referendum.

3. Town Clerk

 a. Monthly Report and payment to Supervisor’s Account was reviewed.

 b. Roorda advised that she finally received a letter from the NYS Department of Transportation wherein they advised that they have completed the traffic study of Smokey Hollow Road and have decided that the speed limit of the entire road will be reduced to 35 miles per hour. Roorda advised that this was a very lengthy process in that she first applied for this in the spring of 2016. Greeley commented that he will order the speed limit signs and Roorda advised that when she receives the official Notice of Order that is filed with the Secretary of State she will get a copy to Greeley and at that time the signs need to be installed.

 c. Roorda thanked the Town Board for approving her attendance at the annual New York State Town Clerks Conference, advising that there is always a wealth of knowledge from the courses and also from conversing with other Town Clerks. Department of Conservation updates regarding any new regulations with hunting and fishing licensed occur every year and being that LaFayette sells large amounts of licenses it is important to have the information. Roorda also attended FOILS, Open Meetings Law, Cyber Security, Vital Statistics, etc.

 Roorda also advised that the theme of this year’s conference was “Her Story” (History). The Onondaga County Town Clerks Association chose “Rosie the Riveter” dressing as Rosie, with posters, the Rosie theme song and Rosie attitude. She was proud to announce that they won first place in the entire State.

 Supervisor Ohstrom asked if there is any word on the cameras and panic buttons in the Town Hall. Roorda advised that she spoke with Eastern Security Systems and was informed that the installation will take place within two weeks.

4. Assessor

 a. Report

 Assessor’s Report – May 2017

East Syracuse Water Supply System Update:

Onondaga Tax Mapping did some additional research and found no additional information on the deeds for these parcels. Specifically, there was no mention of an agreement making these taxable or tax exempt, just the legal descriptions of the parcel dimensions, etc..

 It remains a matter of opinion whether this system is still operational or not. Opinions seem to favor that it is capable of providing make-up water but there is not a lot of specific information available on how it works and who actually operates it and under what circumstances. Village of East Syracuse, as the property owner, should provide whatever information they have and/or how it is to be utilized.

As I mentioned last month, the City of Syracuse pays taxes on the water supply system they operate in the Village of Skaneateles. Onondaga County has a PILOT agreement with the Town of Van Buren on property they own and hold in reserve for a potential landfill/transfer station site. They provided no details on the PILOT, just confirmed that one exists. The Regional Office of Real Property Tax Services has confirmed that there are a multitude of arrangements throughout NYS regarding water supply systems. Some are taxable, some have PILOTs, and some have reciprocal service sharing in-lieu-of, and most have some sort of metering that support billing capabilities based on usage. Generally it is unheard of that one municipality would absorb the tax burden to provide another municipality with water without some sort of compensatory arrangement.

Real Property Tax Law Section 406, paragraph 3 states that real property owned by a municipal corporation, not within its corporate boundaries/limits, while used as a sewage disposal plant, water plant, pumping station, treatment plant, water shed or reservoir shall be exempt from taxation by any municipal corporation provided the governing board of same shall so agree in writing.

 Granting tax exempt status would shift approx. $6,000 to LaFayette property taxpayers and approx. $12,000 to Jamesville-Dewitt school tax payers. As school budgets have already been passed this would be an unpleasant surprise to the J-D district. I think their input should be sought/considered under the circumstances. I stand by my opinion that this would be a bad deal for both LaFayette and the J-D CSD.

Respectfully submitted,

Shawn Adam – Sole Appointed Assessor

5. Building and Code Enforcement/SPDES

 a. Building Permit - Code Enforcement Officer, Ralph Lamson’s written report:

 Appearance ticket issued for the Green Thumb Market court dated 5/17/17

**Zoning Update 5/9/17**

 Was sent to John Langey on 4/10 for legal opinion – received no comment back.

 Need to schedule a public hearing to adopt New Ordinance (Question – will all property owners have to be notified individually if the Zoning of their property is changing?)

 SEQR review needs to be completed.

 Ohstrom advised that the SPDES report was also completed.

6. Dog Control – Supervisor Ohstrom thanked Town Clerk Roorda for digging deeper into the discrepancy with the billing from the SPCA. Roorda advised that the statement recently received was billing for $25.00 per day, per dog at a total of $1,675.00, which has never occurred and is not in our contract. After speaking with the Director of the SPCA, she apologized and advised that is was an error that she will correct. Roorda advised that she just received a new statement with a “0” balance.

7. Justice Court - 124 - Total cases for Judge Perrin; $11,008.00 was taken in for the month of March, 2017.

 137 - Total cases for Judge Shute; $11,299.00 was taken in for the month of March, 2017.

8. Library

 a. Board of Trustee Minutes and Director’s Report for April, 2017, were in the Town Board’s meeting packet for their review.

b. Dave Prince advised that the renovations of the Library are continuing and going smoothly. The only thing left are the shelving for the children’s section should be delivered next week and they will clean out that entire section, finish the carpeting and painting and install the shelfs. The LaFayette Community Band is playing June 13th and the Library renovations will be complete for anyone to tour.

9. Parks and Rec –

 a. Dave Prince advised that an Eagle Scout project at Stafford Park included cleaning up the flower beds, planting and mulching around the signs, and painting signs.

 b. Prince also reported that the tractor is currently being repaired which is great as it saves a lot of time and energy and that he is trying to keep up with the mowing between all the rain.

B. Committees

 1. Agricultural Committee – Councilor Palmer advised that there is nothing new to report as the Markland Road Manure Storage was already discussed in length during the Open Discussion Period.

 2. Community Development

 3. Emergency Response – Dave Prince reported that he advised that he has a meeting to get the Letter of Cooperation signed with regard to the AED’s and then he can move forward on this.

 4. Employee Policies & Benefits – Supervisor Ohstrom advised that he is continuing to work on updating the Employee handbook.

 5. Environmental & Conservation Advisory Board

 6. Highway

 7. Recreation & Youth/LCC - Dave Prince advised that baseball has finally started. Lacrosse is starting out slow as they are waiting for a few college students and high school varsity players to be available to coach. The deadline for signing up for the swim program is Friday. So far not too many have signed up so they will just have to see how the numbers end up.

 Prince reported that as far as Community Day, nothing is new. They are meeting on Friday to finalize all details. He spoke with the manager of Casket Company next to Stafford Park who is completely agreeable to allow parking and the Watch-Fire on their property for Community Day. Prince will be sending a letter of appreciation after the event to properly thank them.

8. Safety & Facility – Supervisor Ohstrom advised that a tour of Stafford Park resulted in a list of items that need to be addressed in the near future.

 9. School District Liaisons – Supervisor Ohstrom advised that the crack in the middle of the tennis court that was previously repaired with epoxy needs more extensive repairs. Estimates are being sought after at this time.

 10. Service Awards

 11. SOTS & OCRRA Liaison

12. Solar – Attorney Kevin Gilligan advised that John Langey is still in the process of reviewing the updated ordinances which includes the Solar Moratorium passed by the Town Board. Councilor Daniel reported that he is waiting for a return call from Attorney Langey regarding same.

10. TOWN ATTORNEY/LITIGATION & OTHER LEGAL MATTERS – Already completed.

11. NEW BUSINESS

1. Carol Watson Greenhouse Estimate/Town Hall & Community Center

**Supervisor Ohstrom moved and Palmer seconded the motion accepting the proposal/estimate from Carol Watson Greenhouse for the Spring clean-up at the Town Hall and Community Center and the Maintenance for both from May – September, 2017, subject to the prevailing wage law and with the understanding that she forward certified copies of payrolls to the Town after completion of services. Motion carried 5 - 0.**

 **Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 b. Heat Pump replacement at Town Hall – Councilor Zajac advised that one of the furnace/heat pumps at the Town Hall needs to be replaced. He got a quote from Curt’s Heating and Air-Conditioning for $4,400 and is in the process of securing another quote from different vender.

**Supervisor Ohstrom moved and Evans seconded the motion giving Building Facility Chair Person, Steve Zajac the authorization to arrange for the repairs/replacement after securing a second quote, for the air-conditioning/heat pump at a cost not to exceed $4,400.00. Motion carried 5 - 0.**

 **Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

12. EXECUTIVE SESSION – At 9:10 pm Supervisor Ohstrom called for an Executive Session to include the Town Board, Town Attorney, and County Legislator, David Knapp to discuss a personnel matter.

At 9:27 the Executive Session ended, no action was taken and the regular Town Board Meeting resumed.

13. Motion to audit and pay bills.

 **General Fund 10873-10890 $ 46,333.71**

 **Highway Fund 10901-10922 $ 22,245.16**

 **Special District 10923-10926 $ 13,839.55**

**Supervisor Ohstrom moved and Evans seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.**

 **Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

14. Motion to adjourn.

**Supervisor Ohstrom moved Palmer and seconded the motion to adjourn the meeting. Motion carried 5 - 0.**

 **Andrew Ohstrom Supervisor Voted Yes**

 **Doug Daniel Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

The Town Board Meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Jacqueline G. Roorda, Town Clerk