**October 9th, 2018 LaFayette Town Board Meeting Minutes**

Minutes of the Town Board Meeting held by the LaFayette Town Board on October 9th, 2018 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: Daniel Fitzpatrick, Supervisor

Steve Zajac, Councilor

Melanie Palmer, Councilor

Carole Dwyer, Councilor

Michael Johnson, Councilor

Recording Secretary: Jackie Bush Roorda, Town Clerk

Attorney: Kevin Gilligan

Budget Officer: Tom Chartrand

Others Present:

Steve Robson, Deputy Highway Superintendent Mark Chambers, C&S Companies

Residents:

Fred Hill, Rosemary & Herb Brodt

Steve & Kathy Pitoniak, Bob Mattis

David Duell, Jeff Murray, Sean Doolittle

And other residents who failed to sign in

1. Supervisor Fitzpatrick 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 Johnson.

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

4. The Town Board Minutes of September 11, 2018 & September 19, 2018.

**Councilor Palmer moved and Johnson seconded the motion to accept the September 11, 2018 Meeting Minutes as submitted by Town Clerk Jackie Bush**

**Roorda and September 19th, 2018 as submitted by Tom Chartrand. Motion carried 5-0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

**5. PUBLIC HEARING -Local Law D2018/ Tax Cap Override**

Supervisor Fitzpatrick opened the Public Hearing explaining that our taxes are going to exceed the State 2% Tax Cap. He further explained that this is necessary in order for the Town to function at the services we currently provide. If we did not exceed the 2% that the Governor placed on all local governments in an effort to fix the State budget. In the budgeting process items such as the increase in NYS retirement, worker’s compensation, increase in the highway bonding debt along with increase in fire and ambulance contracts and the largest driving factor is the increase in trash service costs. The budget will be at about a 5% increase otherwise we would be forced to take away or decrease budget items, such as highway. As an example reducing manpower which could mean roads wouldn’t get plowed as timely, parks and rec items may have to be decreased or eliminated. Overriding the 2% state mandated tax cap would not impose any penalties placed on the town and does not affect STAR or tax rebates. The subject moved from the tax cap to the following:

The new trash service and contract;

$325.00 flat rate per residence with no option to opt out

The abuse of Feher’s unlimited service,

The mismanagement in Feher’s service causing the dilemma of searching for new service

Keeping records of the residences that abused the system for negotiations for future contracts.

The bid process wherein only 2 companies bid for our trash service.

Rock Cut Road plant closing

The cost for independent companies handling the trash, damage of roads.

The 2003 formation of SOTS that was voted for by 67% of Town residents.

The contract with Dependable is for 3 years with the option to extend for 2 more years.

If County recyclables rates increase, there are escalation clauses within the contract, if the rates increase to the haulers, those increase will be passed on as well.

Amount of trash collected from the 4 towns, policing of trash service, all municipalities are dealing with this same issue.

Further discussion regarding the SOTS committee, Legislator Dave Knapp, Tom Chartrand, etc. quickly pulling together with Dependable Disposal to not have an interruption in the trash service. Numerous meetings took place to come up with a solution. Undoubtedly, this was the best deal for everyone involved. Compliments were expressed toward the service that Dependable Disposals is already displaying and that their employees have been very helpful and respectful.

Continuing with the subject of Local Law D-2018 Tax Cap Override

The tax cap override is for one year which will increase your tax amount at $25.00 on a $100,000.00 home at 4.9%. It is mostly State mandates that forces the municipalities to override these tax caps.

**Councilor Dwyer moved and Johnson seconded the motion to close the Public Hearing. Motion carried 5-0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

**RESOLUTION**

**LAFAYETTE TOWN BOARD**

**October 9, 2018**

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law D-2018, authorizing the Town of LaFayette Town Board to override the limit on the amount of real property taxes that may be levied by the Town of LaFayette pursuant to General Municipal Law § 3-c, and to allow the Town of LaFayette to adopt a Town budget for the fiscal year 2019 which is in excess of the “tax levy limit”, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held September 11, 2018; and

**WHEREAS**, a public hearing was held on said proposed Local Law No. D-2018 on October 9, 2018 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 September 11, 2018 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. D-2018.

**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. D-2018 as Local Law No. 3-2018 as follows:

**TOWN OF LAFAYETTE**

**LOCAL LAW NO. 3-2018**

**A Local Law Overriding the Tax Levy Limit Established in the**

**New York General Municipal Law §3-c in and for the Town of LaFayette**

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

**Section 1. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of LaFayette, County of Onondaga pursuant to New York General Municipal Law § 3-c, and to allow the Town of LaFayette to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2019, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law § 3-c.

**Section 2. AUTHORITY**

This local law is adopted pursuant to Subdivision 5 of the New York General Municipal Law, § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

**Section 3. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of LaFayette, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in the New York General Municipal Law § 3-c.

**Section 4. SEVERABILITY**

If any clause, sentence, paragraph, section, article 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 operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 5. EFFECTIVE DATE**

This Local Law shall take effect immediately.

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

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

6. COMMUNICATIONS

A. Groth Road Tower – Gilligan advised that we have not heard back from Sprint approving the amendments and recommended we move forward with the condition Sprint agrees to the amendments. Supervisor Fitzpatrick can execute the final agreement when it is received back from Sprint.

**Councilor Johnson moved and Supervisor Fitzpatrick seconded the motion to move the SEQR, determining that there are no other involved agencies, that the LaFayette Town Board will act as Lead Agency, that this is a Type 2 action for purposes of SEQR, determining that there are unlikely to be any adverse environmental impacts resulting from this action, based upon a review of the short EAF, the application and considering that this is a modification and addition to an existing cellular facility on the Groth Road tower. Motion carried 5 – 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

**Councilor Dwyer moved and Palmer seconded the motion authorizing Supervisor Fitzpatrick to sign the agreement representing the Town Boards’ approval and authorizing the "First Amendment to Lease Agreement (Tower) between Sprint Spectrum Realty Company, L.P., formerly "Independent Wireless One Leased Realty Corporation", the original lease dated September 15, 2000 when it is received back from Sprint. Motion carried 5 – 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

B. Swap Agreement between Town and Oliver’s Campers - Attorney Gilligan advised that John Greeley doesn’t like the new deal that was proposed by Mr. Oliver. He is moving stuff around as to where we would get land and that is a big change. Greeley wants to sit down with the Olivers when he returns from vacation and the Olivers are done with their fall camping shows and resolve their differences probably in the next two weeks. Greeley also pointed out that the Olivers have been using the Town’s well since last May, getting something for nothing. Therefore, this matter was tabled until after Olivers and Greeley meet.

C. CELDF Agreement regarding the proposed powerline. Supervisor Fitzpatrick advised that a $1.00 engagement/agreement from the Town Board is to get the paperwork for the lawsuit against the powerline that was scheduled to go over Apulia and LaFayette Roads. This is non-binding, and requires a resolution from the Town Board in order to get the lawsuit information. Fitzpatrick will send a letter of our interest and once we get the paperwork, we can move forward. Kevin will review the paperwork and this will discuss this at next month's meeting.

**Councilor Johnson moved and Dwyer seconded the motion authorizing Supervisor Fitzpatrick to send a letter advising that the LaFayette Town Board wishes to proceed with CELDF’s engagement agreement with regard to the lawsuit against the proposed powerline and requesting the verbiage/paperwork to do this. Motion carried 5 – 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

D. Authorization to enter into the Inter Municipal Agreement with Onondaga County.

Tom Chartrand explained that this is a small reimbursement to the Library summer reading program and for the LCC for children's services.

**Councilor Johnson moved and Zajac seconded the motion authorizing Supervisor Fitzpatrick to sign the agreement between the Town of LaFayette and Onondaga County Dept. of Children & Family Services Youth Bureau for the Inter Municipal Agreement. Motion carried 5 – 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

E. Puttkamer Asbestos Report - Mark Chambers explained that Mike Guy of Qualcor, LLC completed the asbestos study of the Puttkamer property and his report shows that there basically was no asbestos found. The house was built prior to 1978 so it is expected that there is lead paint. That small universal waste, fluorescent lights, etc. will need to be removed. Attorney Gilligan advised that the asbestos survey was a condition of the closing and now that it is completed we can move forward with the purchase of the property.

**Councilor Johnson moved and Palmer seconded the motion to proceed with the closing for the purchase of the Puttkamer property at 2873 Route 11 based upon the asbestos negative report completed by Mike Guy of Qualcor, LLC.**

**Motion carried 5 - 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

7. REPORTS

A. Departmental

1. Supervisor Report

Tom Chartrand reports that the revenue from Justice Court is 30% instead of 75%; which is concerning, the general fund and highway fund is at 79% and library is at 72%. Tower rent is up about $13,000 to the positive to what was budgeted because we picked up the extra contract at the end the year after budgeting. Court fines are a little concerning. There are no transfers this month.

Chartrand advised that we need a resolution to move the tentative budget to preliminary, since the budget process is complete. Also that the Board needs to set a date for the Public Hearing to adopt the final budget as the deadline to do so is November 9, 2018.

**Supervisor Fitzpatrick moved and Dwyer seconded the motion to move the 2019 Tentative Budget to the 2019 Preliminary Budget with changes as discussed by the Town Board. Motion carried 5 - 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

**Councilor Johnson moved and Palmer seconded the motion to set the Public Hearing to adopt the 2019 Final Budget for November 8, 2018 at 5:00PM. Town Clerk Jackie Roorda will post the legal notices in the appropriate locations. Motion carried 5 - 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

2. Highway

a. Deputy Superintendent Steve Robson gave a verbal report

**Roads:** Mowing operations continue, ditching began this week.

**Equipment:** Paint restoration of plow trucks has begun.

3. Town Clerk

a. Monthly Report for September, 2018 and payment to Supervisor’s Account were in packet for Town Board review.

b. Town Clerk, Jackie Roorda reported that the large volume of sales of Department of Conservation sporting licenses has slowed down slightly until November 1, 2018 when the second round of doe permits takes place.

She reported that her office has been flooded with phone calls and residents stopping in with questions and concerns regarding the new trash contract and to check out the recycling and trash bins that are on display in the Town Hall.

Roorda also advised that two simple subdivisions are in the works presently.

4. Building and Code Enforcement

a. Code Enforcement Officer Ralph Lamson provided the report for building permits issued so far for 2018.

b. Lamson asked Town Clerk Roorda to advised that he will be attending the NYSERTA Energy courses which will allow the Town to receive grant moneys.

5. Justice Court

a. Justices Monthly report for August 2018

112 - Total cases for Judge Perrin; $11,213.00.00 was taken in for the month of August, 2018.

76 - Total cases for Judge Shute; $6,403.00 was taken in for the month of August, 2018.

6. Library – The August 13, 2018 Board of Trustees Minutes and July & August 2018 Director’s Reports were available for the Town Board’s review.

7. LCC/Parks & Rec - no report available.

8. LaFayette Fire Department – Shawn Doolittle reported that last month he wasn’t able to attend the Town Board meeting as the Fire Dept. was having their budget meeting.

September – 50 alarms; 14 fire; 26 EMS; 9 cancelled; 1 no incident call = 253 hours of calls, not including meetings.

October – 54 alarms; 16 fore; 36 EMS; 1 cancelled; 1 no incident call = 258 hours of calls, not including meetings.

Shawn also informed the board the he took a 5 hour active shooter training course at Destiny that was very informative and hands on. He also commented that he hopes never to have to use it. He questions the possibility of using the Puttkamer property for training should the town decide to tear it down.

8. LEGAL MATTERS/ATTORNEY/LITIGATION – Councilor Palmer asked Attorney Gilligan what is going on with the RFP for the sale of the ropes course. Gilligan responded that the Notice for the RFP was posted in the Syracuse newspaper and media site. Town Clerk Roorda informed the Board that it was also posted at the Town Hall, Post Office, website and Facebook site. She also mailed one to each of the four previously interested individuals or their attorneys. Gilligan advised that the deadline for opening of the sealed bids is scheduled for November 2nd, 2018 at noon by the Town Clerk, Jackie Roorda. Councilor Dwyer asked Roorda what she is telling people when they call with questions. Roorda advised that at this time no one has called. Supervisor Fitzpatrick advised that he hadn’t received any calls either.

9. NEW BUSINESS – No new business to discuss

10. Motion to audit and pay bills.

**General Fund 13288-13319 $ 40,600.90**

**Highway Fund 13320-13332 $ 27,790.10**

**Special District 13334-13335 $ 552.95**

**Councilor Palmer moved and Fitzpatrick seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

11. Motion to adjourn.

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

**Daniel Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

The Town Board Meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Jacqueline Bush Roorda

LaFayette Town Clerk