

October 12th, 2021 LaFayette Town Board Meeting Minutes

Minutes of the Regular Town Board Meeting held by the LaFayette Town Board on October 12, 2021 at 6:30 p.m. at LaFayette Town Hall and live on Facebook.

Present: William McConnell, Supervisor
Steve Zajac, Councilor
Melanie Palmer, Councilor
Carole Dwyer, Councilor
Jerry Marzo, Councilor

Recording Secretary: Jackie Bush Roorda, Town Clerk

Attorney: Jeff Brown

Budget Officer: Tom Chartrand

Others Present: Ralph Lamson, Bldg. & Code Enforcement
Jeff Palin & Matt Walker, C & S, Companies, Town
Engineers, Sue Marzo, Information Officer,
Mark Distler, LACC, Sean Doolittle, Fire Department
Atty. Thomas Blair and several residents

1. The Town Clerk, Jackie Roorda took the Roll, all present.
2. The Pledge of Allegiance was led by Councilor Dwyer
3. Town Board Minutes of the September 14th, 2021 Regular Town Board Meeting and the September 22, 2021 Budget Workshop.

R-188-21 Councilor Dwyer moved and Palmer seconded the motion to accept the September 14th, 2021 Regular Town Board Meeting minutes, as submitted by Town Clerk Jackie Bush Roorda. Motion carried 5-0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

R-189-21 Councilor Palmer moved and Zajac seconded the motion to accept the September 22nd, 2021, 2022 Budget Workshop Meeting minutes, as submitted by Town Clerk Jackie Bush Roorda. Motion carried 5-0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

4. PUBLIC HEARING-

a. SEQR (State Environmental Quality Review) with regard to Local Law 5-2021. Attorney Jeff Brown explained that SEQR is necessary whenever there is a law that potentially impacts the environment and there are two statutory provisions involved. First, Chapter # 194 Noise and secondly Chapter # 105 Public Assemblies. This is a short environmental assessment based on the fact we are dealing with a local law. The Town consulted with Mark Distler, a sound engineer by trade who investigated "audible discrete tone" impacts to the community compared to typical noise. Attorney Brown reviewed the SEQR parts 2 and 3 with the Town Board and it was determined that there were little to no negative environmental impacts and therefore a negative declaration is appropriate.

R-190-21 Councilor Palmer moved and Marzo seconded the motion that the Town Board is the lead agency and is issuing a negative SEQR declaration as it was determined there are little or no significant negative environmental impacts with regard to Local Law 5-2021. Motion approved 5 -0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

b. PUBLIC HEARING - LOCAL LAW 5-2021

R-191-21 Councilor Dwyer moved and Palmer seconded the motion to open the Public Hearing with regard to Local Law 5-2021 to amend Chapter 105 (Assemblies, Public) and Chapter 194 (Noise) of the Code of the Town of LaFayette. Motion approved 5 -0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

Both positive and negative comments regarding proposed Local Law 5-2021 were voiced by individuals present at the meeting.

- A memorandum was presented to the Board from concerned residents requesting proposed changes / amendments to Local Law 5-2021 regarding: verbiage, definitions; maximum sound levels; and time restraints.

- Eric Booth, owner of GYI Events advised that they followed every ordinance and law; also made several changes as requested by neighbors and the Town Board in an attempt to appease any concerns regarding noise. He also expressed the challenges they would face in order to operate their business if all the stipulations/limitations were met, especially the existing 30-day mass gathering expiration.
- Several residents and venue volunteers voiced their opinions again both negative and positive regarding this venue

NEGATIVE

- Noise from concerts is disturbing to residents in the area
- We do not desire this type of invasion to our area
- Disruptive to neighbor's sleep
- Request that the Town Board not approve another Mass Gathering Permit for this venue
- Town Board should protect and preserve the peace and quiet for Town residents

POSITIVE

- Brings positive opportunities to the community and Onondaga County
- Brings business to our area
- Thousands of fans stretching over 38 states across the country attended.
- Hoping to come to a compromise to make this work and bring new life to LaFayette
- Despite reports from neighbors there were no police incidents and the grounds were well maintained

- Tom Blair, attorney representing GFY Events Inc. made the following points:
 1. The venue is located in a Business District
 2. The Town's comprehensive plan specifically encourages business growth and to find additional uses for the Apple Festival grounds
 3. Suggested that the Town Board has an obligation to allow this for the economic impact
 4. Suggested coming up with a compromise so the Town, residents and promoter can work / live together in harmony.

- Mark Distler, acoustical engineer for 30 + years
 1. Seen numerous noise ordinances in his work
 2. The unnecessary noise clause is not unusual.
 3. Subjectively he believes this to be a “disturbance of the peace”
 4. NYS DEC made this objective by declaring that any new noise source should not increase the existing sound level by more than five (5) decibels and if you do that you will most likely receive not many complaints

R-192-21 Councilor Marzo moved and Palmer seconded the motion to close the Public Hearing with regard to Local Law 5-2021. Motion approved 5 -0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

After closing the Public Hearing Town Attorney Jeff Brown explained Local Law #5-2021 as drafted and said the more subjective the language, the more it vulnerable the Town becomes to legal challenges. He suggested tabling this in order to review the items presented by both sides as these would affect the entire Town not just the Apple Festival grounds.

5. COMMUNICATIONS:

A. Resolution Supporting Participation/ CNY Stormwater Coalition Staff Services & Education

Resolution Supporting Participation in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program

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

WHEREAS, The Town of LaFayette
(Legal Name of Municipality)

herein called the “Municipality”, after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the “Board”, has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES)

Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

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

NOW, THEREFORE, BE IT RESOLVED BY Town of LaFayette
(Governing Body of Municipality)

1. That William D. McConnell, Supervisor

or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in all matters related the Project;

2. That the Municipality agrees that it will fund its portion of the program cost in the amount of \$3,600, and that those funds will be made available to the Board upon receipt of invoice.

3. That one (1) certified copy of this Resolution will be prepared and sent to the Board upon adoption.

4. That this Resolution take effect immediately.

R-193-21 Councilor Palmer moved and Marzo seconded the motion to approve the above annual Resolution Supporting Participation in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program. Motion carried 5-0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

B. Ron Bush Senior Center Update - Jeff Palin of C&S Engineering gave a brief update advising that the Town received five (5) mechanical bids, five (5) general contractor bids, and eight (8) electrical bids. Based on those bids, which put us over two (2) million dollars he recommends that we scale back some of the proposed options to make it more economical and rebid again in January.

C. Hamlet Property Purchase Update & Environmental Study Results - Matt Walker of C&S Engineering gave an update of Phase 1 of the Environmental analysis of the old LaFayette Hotel property. They reviewed the current and past use of the property.

- Review of the Environmental Studies/Data that was readily available
- Property reconnaissance to evaluate the current condition
- Reviewed State & Federal databases
- Evaluated the potential impact of adjacent properties
- Interviewed state/local agencies, and property owner
- Based on the findings from the Phase 1 study it is recommended that the Phase 2 Environmental study be completed to determine if previous property usage will have any impact on future development of the property.
- This study should include a geophysical investigation as well as soil & water sample collection.

R-194-21 Councilor Marzo moved and Zajac seconded the motion authorizing Matt Walker of C&S, to conduct a Phase 2 environmental site assessment of the former hotel property. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

D. Dog Park Update - Jeff Palin of C&S advised that Mark Chambers who has been working on this project has COVID so he doesn't have any real update at this time. Supervisor McConnell advised that the Town is closing on the property on Monday and with the additional \$25k funds received this project should be able to go forward this fall.

5. Communications from the Public:

A. John Rubincki spoke with regard to NYSDEC policies regarding the extension of the deer hunting season across the southern zone of NYS asking the Town of LaFayette to adopt a resolution opposing the Holiday Hunt. He advised that he is going from town to town promoting the opting out of this. Supervisor McConnell suggested the Town Board digest the information provided and this can be addressed at the next meeting.

B. Denise Ellis of Cardiff thanked the Optimist Club for the work done at Bailey Park with the removal of dead trees and the planting of new ones, it was really nice to see.

REPORTS

A. Departmental

1. Town Supervisor Report

- a. Budget Officer Tom Chartrand advised that Councilor Dwyer completed a positive review of the bank reconciliation of the Supervisor accounts.
- b. Budget Officer Chartrand submitted the September 2021 Monthly Financial Report. Court fines have increased over the last few months. Need to make a couple transfers, see detail below. General Fund spending is at 47%, revenue is at 110% without SOTS; Highway spending is at 60%, revenue is at 103% and library spending is at 63%, revenue is at 99%.
- c. Discussion took place regarding the 2022 budget, moving it from Tentative status to Preliminary, setting the public hearing and moving the regular Town Board meeting to November 4, 2021.
- d. Received a request from the Route 20 Association for some funding. Anything from \$100 - \$1k or more. The Board agreed that they would support a small donation. Chartrand will prepare a voucher for the next meeting.
- e. Received notice from Fiscal Advisors with regard to our bond on the highway garage. We have an 8-year call option on this bond and our interest rates progress throughout the bond cycle, that could have a potential savings of \$113 k. This does not have to be done until April 26, 2022. Fiscal Advisors' costs would be approximately \$3k.

TRANSFER OF APPROPRIATIONS

GENERAL FUND

To:

A1620.0	Buildings	Equipment	\$1,000.00
A3120.4	Police & Constable	Contractual	\$12,000.00
A7110.4	Parks	Contractual	\$6,000.00
		TOTAL	<u>\$19,000.00</u>

From:

A599	Surplus	Fines	\$12,000.00
A1620.4	Buildings	Contractual	\$1,000.00
A1989.4	Workshops	Contractual	\$1,000.00
A6410.4	Publicity	Contractual	\$1,000.00
A7310.4	Youth Program	Contractual	\$4,000.00
		TOTAL	<u>\$19,000.00</u>

R-195-21 Councilor Dwyer moved and Marzo seconded the motion authorizing the transfer of appropriations as listed above. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

	Jerry Marzo	Councilor	Voted	Yes
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R-196-21 Councilor Dwyer moved and Marzo seconded the motion to move the 2022 Town of LaFayette budget from Tentative to Preliminary status with the changes discussed during budget workshops. Motion carried 5 - 0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

R-197-21 Councilor Marzo moved and Dwyer seconded the motion to set the public hearing for the 2022 Town of LaFayette budget to Thursday, November 4, 2021 at 5pm and have the regular November Town Board meeting immediately following the Public Hearing. Motion carried 5 - 0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

2. Attorney - Jeff Brown advised that he drafted a proposed Local Law regarding Small Cell Wireless facilities that was discussed at the September Town Board meeting.

R-198-2021 Councilor Palmer moved and Dwyer seconded the motion to set the Public Hearing regarding Local Law #6-2021 that regulates Small Cell Facilities for the November 4th, 2021 Town Board meeting. Motion carried 5 - 0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

Attorney Brown advised that the closing for the purchase of the 1.25-acre parcel designated for the dog park, which was purchased from Dr. Sheffield is scheduled for closing on Monday, October 18, 2021.

Attorney Brown also advised that we are getting close on the Cardiff agreements with Honeywell, and is expecting they will be ready for the Town Board's consideration at the November Town Board meeting.

3. Highway - Steve Robson, Superintendent nothing to add to his submitted report.

Highway Superintendent Report

Roads: Miscellaneous repairs and general maintenance to our roads will continue through the fall months.

Working with Mark Chambers of C&S Engineering and Robert Duell of Homeland Security and Emergency Services on storm damage from Hurricane Fred. FEMA approval for assistance with storm damage is still pending.

Brush pick-up began on September 6th and was completed September 20th. Grinding of our brush pile was completed October 5th and free mulch will be available to the residence of LaFayette in the spring of 2022.

Preparation of all our snow plow equipment will be completed this month and be ready for the first snow fall of this year.

Equipment: Tentative delivery of the new Roadside Mower (New Holland) is the end of October. Tentative delivery of the new Truck 2 (International) is now February of 2022.

4. Town Clerk

a. Jackie Roorda's September 2021 Town Clerk report was in the Board's meeting packet for their review.

5. Building and Zoning Code Enforcement - September, 2021 report for all building permits was provided to the Board by Ralph Lamson, Code Enforcement Officer.

6. Justice Court

a. September 2021 Justices Reports.

Judge Perrin had 118 cases and turned over \$13,144.00 to the Town of LaFayette for September, 2021.

Judge Shute had 134 cases and turned over \$15,260.00 to the Town of LaFayette for September, 2021

7. Library - The August 16, 2021 Board of Trustees Minutes and the July and August Director's reports were submitted to the Board.

- Scott's retirement

- Last day of work as Director was September 29; he will continue on in a consultant basis until position is filled and through an up to ten-day transition period
- Director position has been offered to a candidate with contingencies, including clarification of benefits, etc. Acceptance pending.
- New circulation desk has been ordered and will be installed soon
 - Library Employee Handbook - needs revision because some information is contrary to that in the Town's Employee Handbook. Need to clarify whether policies can differ from Town's, and under what circumstances.

8. Parks

- Park mowing and maintenance is on-going
- Bathrooms are being cleaned regularly (daily when possible)
- Expect to have parks buttoned-up for the winter - bathrooms closed and winterized, and equipment winterized and stored, by November 1 after Optimist Halloween party, final LCC soccer games, and final LCC adult softball games

9. Community Council

- Fall sports, i.e., Youth Soccer, ends October 30
- Winter sports planning in process, expected to begin in November or December, contingent on adherence to LaFayette School District policies

10. Fire Department Report - October 12, 2021

Chief Sean Doolittle advised that the new truck is complete and on the road. He also advised that they were very busy at Apple Festival.

A. Committee Reports:

These are the LACC activities between September 10 and October 7, 2021:

1. **Membership** - No change in membership.
2. **Meetings** - A meeting was held on September 21.
3. **Special Projects** - See attached status summary of special projects requested by the Town Supervisor. Of note:
 - a. The LACC facilitated the contracting and planting of five trees replacing the ones removed at Bailey Park. Dave Prince, Amy Roe (park neighbor), and Carol Watson were involved in the selection of the tree locations and species.

The LACC, working with the ESF landscape architecture professor, developed cost estimates for the ravine landscape and nature walk at Stafford Park. A two-year budget was submitted to Supervisor McConnell on September 19. The ESF designs are expected in May 2022.

7. NEW BUSINESS - No New Business

8. OPEN COMMUNICATION FROM THE PUBLIC - Supervisor McConnell advised there's a Public Open House on October 28th from 5pm-7pm, giving a "roadmap" of the updated Comprehensive Plan

9. Motion to audit and pay bills.

General Fund	18201-18225	\$ 38,860.56
Highway Fund	18226-18239	\$ 47,900.66
Special District	18241-18242	\$ 666.26

R-199-21 Councilor Palmer moved and McConnell seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

10. Motion to Adjourn

R-200-21 Supervisor McConnell moved and Dwyer seconded the motion to adjourn. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

The meeting was officially adjourned at 8:04 p.m.

Respectfully submitted.

Jacqueline Bush Roorda
Town Clerk