

November 12th, 2019 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on November 12th, 2019 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Daniel Fitzpatrick, Supervisor
Steve Zajac, Councilor
Melanie Palmer, Councilor
Carole Dwyer, Councilor
William McConnell, Councilor

Recording Secretary: Jackie Bush Roorda, Town Clerk
Budget Officer: Tom Chartrand
Attorney: Jeff Brown
Bldg/Code Enforcement: Ralph Lamson

Others Present: Serena Schrader
Stephen & Kathy Pitoniak
Rosemary & Herbie Brodt
Jeanie Gleisner

1. Supervisor Fitzpatrick called the meeting to order at 6:30 PM and welcomed all in attendance. Councilor Palmer led the pledge to the U.S. Flag.
2. The Town Clerk, Jackie Roorda took the Roll.
3. Town Board Minutes of October 8th, 2019 Regular Meeting and November 7th, 2019 Special Meeting.

R-140-19 Councilor McConnell moved and Palmer seconded the motion to accept the October 8th, 2019 regular Meeting Minutes and the November 7th, 2019 special Meeting Minutes as submitted by Town Clerk Jackie Roorda. Motion carried 5 – 0.

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

4. PUBLIC HEARING – Spectrum Northeast, LLC Franchise Agreement

R-141-19 Councilor McConnell moved and Dwyer seconded the motion to open the Public Hearing with regard to Spectrum Northeast, LLC. Franchise Agreement with the Town of LaFayette. Motion carried 5 – 0.

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

Supervisor Fitzpatrick asked the Town Board and all those in attendance if anyone desired to speak with regard to the proposed Franchise Agreement between the Town of LaFayette and Spectrum Northeast, LLC. No comments were voiced.

R-142-19 Councilor McConnell moved and Dwyer seconded the motion to close the Public Hearing with regard to Spectrum Northeast, LLC. Franchise Agreement with the Town of LaFayette. Motion carried 5 – 0.

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

STATE OF NEW YORK
Town of LaFayette
County of Onondaga

In the Matter of the Granting of a Cable Television Franchise Held by **Spectrum Northeast, LLC** in the **Town of LaFayette, County of Onondaga**, New York

RESOLUTION

An application has been duly made to the Board of the **Town of LaFayette, County of Onondaga**, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 6005 Fair Lakes Rd, Syracuse, NY 13057, for the approval of a renewal agreement for Spectrum's cable television franchise for seven (7) years commencing with the date of approval by the Public Service Commission commencing with the date of approval by the Public Service Commission.

The Franchise Renewal Agreement would bring the franchise into conformity with certain

provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of LaFayette, New York on November 12, 2019 at 6:30 P.M. and notice of the hearing was published in the Syracuse Newspaper on November 3, 2019.

NOW, THEREFORE, the Board of the Town of LaFayette finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the **Town of LaFayette** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Town of LaFayette** for seven (7) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Board of the **Town of LaFayette** hereby confirms acceptance of this Franchise Renewal Agreement.

R-143-19 Councilor Zajac moved and McConnell seconded the motion to approve the above resolution adopting the Franchise Agreement between Spectrum Northeast, LLC. as presented with the amendment from annual payments to quarterly payments. Motion carried 5 – 0.

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

The foregoing having received a unanimous vote was thereby declared adopted.

Dated: November 12, 2019.

5. COMMUNICATIONS

A. Coye Road Water District – Lease Renewal

Councilor Zajac advised that the current 40 year lease between OCWA and the Town of LaFayette has expired and this renewal will be an extension of the previous lease. The matter was tabled last month to give the Board time to review the lease and asked if there are any questions or comments.

Councilor Dwyer asked why the lease is 40 years and a liability question regarding deficiency or failure in the supply of water. Zajac advised that it is in the best interest of the Town to have a long lease as OCWA will be responsible to take care of the distribution and operation of the water system for the residents in the water district. Attorney Jeff Brown addressed the concern of Councilor Dwyer by suggesting an amendment of the agreement to clarify OCWA’s responsibility in the event of a deficiency in the supply of water. Councilor Zajac asked if there are any other questions or comments. No more were heard.

R-144-19 Councilor McConnell moved and Palmer seconded the motion to approve the Lease Agreement for the Operation of Water System between the Town of LaFayette and Onondaga County Water Authority Coye Road District contingent upon the amendment in Paragraph 5.4 as discussed. Motion carried; 4 voted yes, 0 voted no & 1 abstained.

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

B. CNY SPCA 2020 Contracts - Supervisor Fitzpatrick asked if anyone had any questions or comments. None were voiced.

R-145-19 Councilor Dwyer moved and Palmer seconded the motion authorizing Supervisor Fitzpatrick to execute the CNY SPCA Cruelty Contract for 2020 and the CNY SPCA Agreement to provide and maintain a pound or shelter for stray dogs picked up in LaFayette. Motion carried 5 - 0.

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

C. 2020 LaFayette Fire & Ambulance and Jamesville Fire Contracts - Supervisor Fitzpatrick asked if anyone had any questions or comments. None were voiced.

R-146-19 Councilor McConnell moved and Palmer seconded the motion authorizing the Town Board Members signatures on the 2020 LaFayette Fire Department and Jamesville Fire District Contracts and Supervisor Fitzpatrick to sign the LaFayette Ambulance contract for 2020. Motion carried 5 – 0.

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

D. CNY Stormwater Coalition Staff Services & Educational Resolution & Proposal for 2020.

**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, Town of LaFayette 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 THE LAFAYETTE TOWN BOARD

1. That DANIEL FITZPATRICK, TOWN 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-147-19

Councilor McConnell moved and Zajac seconded the motion to approve the above Resolution Supporting Participation in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program for 2020. Motion carried 5 – 0.

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

E. Lease of old highway garage property Supervisor Fitzpatrick asked if there were any questions or comments. Councilor McConnell offered to walk the property with Mark Chambers of C & S Companies or another other Town representative to identify the square footage of the cement area to be leased. No survey will be done at this time.

R-148-19 Councilor McConnell moved and Palmer seconded the motion to move forward with the Lease Agreement for the old Highway Garage property between the Town of LaFayette and Johnson General Contractor, LLC, contingent upon negotiations between Attorney Jeff Brown and Ken Johnson's attorney concerning language as discussed. Motion carried; 5 - 0.

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

F. Notice of Cardiff water meeting. Supervisor Fitzpatrick advised that this meeting will have to be rescheduled due to scheduling complications. He will advise when a new date is set.

G. NYSDOT Annual Highway Work Permit for utility work application.

Supervisor Fitzpatrick explained that this is an annual maintenance permit with the New York State Department of Transportation for any work of any kind within the Right-of-Way of a State Highway.

R-149-19

Councilor McConnell moved and Zajac seconded the motion authorizing Supervisor Fitzpatrick to sign the annual highway work permit agreement with the New York State Department of Transportation for 2020. Motion carried 5 – 0.

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

A. Departmental

1. Town Supervisor

a. Town Supervisor's Monthly report was provided by Budget Officer Tom Chartrand. Tom reported the monthly report reflects that to date the Town budget is in good shape. He also reported that there is a new transfer of appropriations sheet that will need a motion for this month.

R-150-19 Councilor Palmer moved and Supervisor Fitzpatrick seconded the motion to approve the transfer of appropriations as listed below. Motion carried 5 – 0.

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

GENERAL FUND

To:				
	A5132.4	Garage	Contractual	\$4,000.00
	A7110.4	Parks	Contractual	<u>\$1,000.00</u>
			TOTAL	<u>\$5,000.00</u>
From:				
	A8010.4	Zoning	Contractual	<u>\$5,000.00</u>
			TOTAL	<u>\$5,000.00</u>

LIBRARY FUND

To:				
	L7410.4	Library Materials (Books)	Contractual	\$1,000.00
			TOTAL	<u>\$1,000.00</u>
From:				
	L7411.1	Library Operations (Staff)	Personal Services	<u>\$1,000.00</u>
			TOTAL	<u>\$1,000.00</u>

2. Town Attorney – Attorney Jeff Brown advised that he has nothing to report at this time.

3. Highway Superintendent – submitted his written report and read as follows.

Roads: Snow and ice ops 5 times in November currently. Ditching and cutting shoulders will continue (weather permitting)

Equipment: All plows active ready. Onondaga County Plow truck is working out of the Highway Building for the winter.

Town Lighting: Residents on Everingham Road are requesting a Street light on the corner of Route 20. Need Board approval.

4. Town Clerk

a. Monthly Report for October and payment to Supervisor’s Account were in the packet for Town Board review.

b. Town Clerk Roorda reminded everyone of Branch’s Defensive Driving training scheduled for Saturday, November 16, 2019 from 9 am – 3 pm in the meeting room.

5. Building and Code Enforcement – Code Enforcement Officer Ralph Lamson submitted his written report for building permits, issued to date for 2019. Lamson advised things remained quite busy as there are a couple variance cases, two

more solar farm applications and the dental office is applying for a specific permit to build a new office on Route 11N across from Willow Wood Apts. Things are not slowing down.

6. Justice Court -

a. Justices Monthly report for September 2019

117 - Total cases for Judge Perrin; \$10,208.00 was taken in for the month of September 2019.

119 - Total cases for Judge Shute; \$10,728.00 was taken in for the month of September, 2019.

b. 2019 August Audit/Review of Justice Court Records were distributed for review by the Town Board.

7. Library – August 2019 Board of Trustees Minutes & Director’s Report were available for the Town Board’s review.

8. Parks & Rec. – Dave Prince reported after all the flower boxes are picked up and stored and he is expecting to hear back regarding the letter sent regarding maintenance fees. Stafford Park will be closed up as far as the bathrooms, dumpsters, etc... He will maintain the upper walking path, clearing the snow as in past years.

9. LCC – All fall programs are wrapped up. There were two sign ups in November for ski club at Song Mountain. Basketball, volleyball and wrestling have started up. Wrestling will be hosting 3 matches, two with Onondaga and one with multiple schools

He gave the Board members a detailed spreadsheet with breakdown of the cost comparison of a Toro and John Deere mower/snow blower. He also was communicating with LaFayette School maintenance as they have both the Toro and John Deere models and prefer the John Deere. Also, a consideration is the availability for servicing the John Deere locally.

R-151-19

Councilor McConnell moved and Palmer seconded the motion authorizing the purchase of one John Deere 1575 Terrain Cut with Comfort Cab commercial front mower with a 72” 7 – Iron Pro commercial side discharge mower deck and 60” heavy duty Town State Snow blower on State Contract number NY STATE Landscaping Grounds PC68131 (PGXNCG22), at the cost of \$39,797.05 and authorizing Town Clerk Jackie Roorda to proceed with any paperwork necessary for the purchase. Motion carried 5 - 0.

**Daniel Fitzpatrick
Steve Zajac**

**Supervisor
Councilor**

**Voted
Voted**

**Yes
Yes**

Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
William McConnell	Councilor	Voted	Yes

Town Clerk Jackie Roorda advised that Superintendent John Greeley requires a motion from the Town Board to reach out to National Grid for the installation of a new street light and pole at the intersection of Everingham Road and Route 20.

R-152-19 Councilor McConnell moved and Palmer seconded the motion authorizing Superintendent John Greeley to contact National Grid requesting the installation of a pole and street light at the intersection of Route 20 and Everingham Rd. Motion carried 5 – 0.

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

7. NEW BUSINESS – Councilor McConnell gave a brief scenario regarding the 2012 Comprehensive Plan

8. OPEN COMMUNICATIONS –

Jeannie Gleisner introduced herself and advised that she spoke with Dan Kwasniewski, AICP Planning Director for Syracuse Onondaga Planning with regard to new comprehensive plan for municipalities in Onondaga County. The focus would be mainly on the hamlet planning opportunities for economic development and improving buildings and character of the hamlet. She also advised that on top of the funds that would come from the County, the Regional Development committee that she works with could match that amount and there would be no cost to the Town. Jeannie also offered for the Environmental & Conservation Advisory Board to hold a training for the Planning and Zoning Board of Appeals with regard to Open Space in the Town. Supervisor Fitzpatrick advised that she approach the Chairs of those committees with regard to that.

Resident Steve Pitoniak asked for clarification regarding a lawsuit. Supervisor Fitzpatrick advised that he and Attorney Brown met regarding this matter and to sum it up, there was no formal settlement, but Honeywell had agreed to continue the practice that Allied Chemical had of providing water. Attorney Brown will do some research to see if he can find anymore information with regards to this matter.

Resident Serena Schrader of 6318 Palmer Road is looking for clarification on Spectrum being available to them. Supervisor Fitzpatrick advised that it is in the works, and that we are currently dealing with National Grid to get use of their poles and grid but this should be settled in the near future.

9. Motion to audit and pay bills.

General Fund	15108-15153	\$ 59,127.41
Highway Fund	15107-15172	\$277,378.93
Special District	15173-15174	\$ 554.38

R-153-19 Councilor McConnell moved and Palmer 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
William McConnell	Councilor	Voted	Yes

10. Motion to adjourn.

R-154-19 Councilor Dwyer moved McConnell 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
William McConnell	Councilor	Voted	Yes

The Town Board Meeting was adjourned at 7:11 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk