**December 8th, 2020 LaFayette Town Board Meeting Minutes**

Minutes of the Virtual Town Board Meeting held by the LaFayette Town Board on December 8th, 2020 at 5:30 p.m. via Zoom.

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

Highway Steve Robson, Paul Durocher

Library, Parks, LCC Dave Prince

Info Officer Sue Marzo

Others Present: David Knapp; Onondaga County Legislature Chair

and several residents

1. Supervisor Fitzpatrick called the meeting to order at 5:30 PM and welcomed all in attendance, explained the necessity of holding the meeting via Zoom due to Covid- 19.

2. The Town Clerk, Jackie Roorda took the Roll.

3. Pledge to our U.S. Flag led by Councilor Dwyer

4. Town Board Minutes of November 5th, 2020 Regular Meeting

**R-106-20 Councilor Palmermoved and McConnell seconded the motion to accept the November 5th, 2020 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**

5. Supervisor Fitzpatrick introduced Samuel Doubleday, Community Solar Sales Representative from Omni Renewables. Sam gave a brief presentation on bill credits to resident’s electric meters. He will send more information to Town Clerk, Jackie Roorda that she can distribute to the Town Board for their review.

6. SEQR for Codification of Local Laws

Attorney Brown explained SEQR and went through the Short Environmental Assessment Form Part 2, reviewing each item which determined that there are no Environmental issues involved with the process of Codification of our Local Laws.

**R-107-20 Councilor Palmermoved and McConnell seconded the motion to accept the negative SEQR declaration for the Codification of the Town’s Local Laws, Ordinances, etc.as presented to 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**

**William McConnell Councilor Voted Yes**

6. Public Hearing

**R-108-20 Councilor McConnell moved and Councilor Palmer seconded the motion to open the Public Hearing with regard to codification of the Local Law, Ordinances, etc.**

**Motion carried 5 - 0.**

**Danny Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**William McConnell Councilor Voted Yes**

Attorney Jeff Brown explained that Local Law 2-2020 is approval of the codification the process in which all local laws, ordinances, regulations, etc. will be put into one area in an organized book form and available on the Town’s website. The codification includes updated fee amounts which date as far back as 1970, legal citation statue changes, standardizing definitions and penalty provisions, updating various local laws using modern terminology and adding a new noise ordinance. Otherwise, there are only relatively minor changes. The primary purpose for the codification is transparency and accessibility for residents or anyone to easily research LaFayette’s laws, etc.

Supervisor Fitzpatrick asked if there are any comments from the public.

Resident, Bruce Donahue expressed his opinions/concerns regarding zoning district boundaries, Ag/Residential and how it effects his neighborhood, Summer Ridge and Holcolm Hill area. In his opinion, it makes no sense and asked the Town Board to review and consider changing the boundaries.

Building and Code Officer, Ralph Lamson advised that anything over 5-acre lot was left Agriculture.

Resident, Doug Anderson – voiced concerns about all the small solar farms popping up within the town and wondered about the town designating a specific area for one or two large solar farms to minimize the degradation of the scenic views of the community. Attorney Jeff Brown advised that we have a very robust Solar Law currently.

Resident, Jeanie Gleisner – voiced concerns that she feels the codification does not conform to the goals and recommendations stated in the Town’s Comprehensive Plan; does nothing to protect the Town’s open space, farmland, and rural character; minimum lot sizes do not match each district’s stated purpose, in her opinion.

Supervisor Fitzpatrick advised that the codification process has nothing to do with zoning changes, rather it is about bringing together and publishing the Town’s Laws, ordinances, regulations, etc.; posting on our website for easier access for everyone.

**R-109-20 Councilor Zajac moved and Councilor Dwyer seconded the motion to close the Public Hearing with regard to codification of the Local Law, Ordinances, etc. Motion carried 5 - 0.**

**Danny 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. COMMUNICATIONS

1. Approval of Codification of Local Laws

**R-210-20 TOWN OF LAFAYETTE**

**RESOLUTION TO ENACT LOCAL LAW NO. 2-2020**

WHEREAS a public hearing was held the 8th day of December, 2020 by the Town Board of the Town of LaFayette, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York;

WHEREAS at said public hearing the Town Board considered the enactment of proposed Local Law No. 2-2020, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF LAFAYETTE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE TOWN OF LAFAYETTE; and

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 2-2020 be enacted as follows:

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF LAFAYETTE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE TOWN OF LAFAYETTE”

This local law:

(1) States the legislative intent of the Town Board in adopting the Code.

(2) Provides for the designation of the local laws, ordinances and certain resolutions of the Town of LaFayette as the “Code of the Town of LaFayette.”

(3) Repeals local laws and ordinances of a general and permanent nature not included in the Code, except as provided.

(4) Saves from repeal certain local laws and ordinances and designates certain matters not affected by repeal.

(5) Retains the meaning and intent of previously adopted legislation.

(6) Provides for the filing of a copy of the Code in the Town Clerk's office.

(7) Provides for certain changes in or additions to the Code.

(8) Prescribes the manner in which amendments and new legislation are to be incorporated into the Code.

(9) Requires that Code books be kept up to date.

(10) Provides for the sale of Code books by the Town and the supplementation thereof.

(11) Prohibits tampering with Code books, with offenses punishable by a fine of not more than $250 or by imprisonment for not more than 15 days, or both.

(12) Establishes severability provisions with respect to the Code generally.

(13) Provides that the local law will be included in the Code as Chapter 1, Article I.

(14) Adopts the “Code of the Town of LaFayette,” the Table of Contents of which is as follows:

**TABLE OF CONTENTS**

**Part I: Administrative Legislation**

1. General Provisions

7. Appearance Tickets

15. Conservation Commission

19. Continuity of Government

30. Defense and Indemnification

36. Enforcement Actions

38. Ethics

61. Notification of Information Security Breaches

66. Officers and Employees

84. Records Retention

**Part II: General Legislation**

105. Assemblies, Public

111. Bingo and Games of Chance

116. Building Code Administration and Enforcement

120. Buildings, Unsafe

128. Circuses, Carnivals and Exhibitions

137. Dogs

142. Drug-Free School Zones

149. Electrical Inspections

153. Environmental Quality Review

160. Fees

165. Flood Damage Prevention

174. Highway Specifications

181. Junkyards

188. Littering

194. Noise

196. Notification of Defects

202. Peddling and Soliciting

206. Property Maintenance

217. Sewers

223. Snowmobiles

228. Solid Waste

234. Stormwater Management and Erosion and Sediment Control

240. Subdivision of Land

245. Taxation

249. Towers, Antennas and Mobile Service Facilities

256. Vehicles and Traffic

264. Vehicles, Racing of

290. Zoning

**R-110-20 Councilor McConnell moved and Councilor Zajac seconded the above resolution to enact Local Law 2-2020. Motion carried 5 - 0.**

**Danny Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**William McConnell Councilor Voted Yes**

B. Shared Services Agreement/Emergency Assistance NYSDOT

**R-111-20 Councilor McConnell moved, and Councilor Dwyer seconded the motion to approve the Annual Shared Services Agreement with NYSDOT. Motion carried 5 - 0.**

**Danny 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. 2-year Hauler Agreement for use of OCRRA Solid Waste Management System

**R-112-20 Councilor Dwyer moved, and Councilor McConnell seconded the motion to approve the Annual 2-year Hauler Agreement between OCRRA Solid Waste Management System and the Town of LaFayette. Motion carried 5 - 0.**

**Danny 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. Association of Towns delegate & alternate assignment to attend 2020 Annual Business Meeting – The meeting will be a virtual meeting this year in February. Supervisor Fitzpatrick will provide the Board with the agenda prior to the meeting as he has not yet received it.

**R-113-20 Councilor McConnell moved, and Councilor Palmer seconded the motion to designate Supervisor Fitzpatrick as the Town of LaFayette representative to attend the Annual Business Session of the Association of Towns and be the voting delegate and Councilor McConnell as the alternate voting delegate for the 2021 Association of Towns Meeting in February, 2021. Motion carried 5 - 0.**

**Danny 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. Forming Water District Tully Valley – Supervisor Fitzpatrick provided an update stating that the formation is slightly delayed, just waiting on a few things from OCWA. He advised that we will not be able to vote on anything tonight but it looks like in January we will have a very good public water district proposal for the Board to consider.

F. Alternate ZBA Member – Lindsey Bingham – Supervisor Fitzpatrick advised that based on history and considering the Board recently appointed an alternate member to the Planning Board, it makes sense to have an alternate ZBA member. Lindsey is a young professional in the financial sector and has some zoning background.

**R-114-20 Councilor McConnell moved and Supervisor Fitzpatrick seconded the motion to appoint Lindsey Bingham as the alternate Zoning Board of Appeals Member at the same rate of pay as regular members. Motion carried 5 - 0.**

**Danny Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**William McConnell Councilor Voted Yes**

G. Paul Durocher, New Highway hire, January 5, 2021

**R-115-20 Councilor Palmer moved, and Councilor McConnell seconded the motion to approve the training & hiring of Paul Duroucher**

**for the Highway Department effective January 5, 2021.**

**Motion carried 5 - 0.**

**Danny Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**William McConnell Councilor Voted Yes**

H. Amendment date of Property Lease with Ken Johnson - Due to Covid-19 and the Highway Dept being on half shifts the Town was not able to get the leased lot in working condition, therefor Ken was unable to utilize the lot per the agreement. The amended lease dates will be August 1, 2020 – August 31, 2021.

**R-116-20 Councilor Dwyer moved, and Councilor McConnell seconded the motion to the amendment to the Property Lease with Ken Johnson to August 1, 2020 – August 1, 2021. Motion carried 5 - 0.**

**Danny Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**William McConnell Councilor Voted Yes**

I. 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-117-20**

**Councilor Palmer moved and McConnell seconded the motion authorizing Supervisor Fitzpatrick to sign the annual highway work permit agreement with the New York State Department of Transportation for 2021. Motion carried 5 – 0.**

**Danny Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**William McConnell Councilor Voted Yes**

Departmental

1. Town Supervisor

a. Budget Officer Tom Chartrand advised we first need to, as we do every year, authorize the Supervisor to make any end of year budget line transfers for any bills that come in tonight – January, not to exceed the 2020 budget.

**R-118-20 Councilor Dwyer moved, and Councilor McConnell seconded the motion to authorizing Supervisor Fitzpatrick to make any end of year budget line transfers, not to exceed the 2020 budget.**

**Motion carried 5 - 0.**

**Danny Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**William McConnell Councilor Voted Yes**

b. We also need a motion to set the Annual Organizational meeting date for January 12,2020 so it can be posted in the newspaper. Town Clerk Jackie Roorda advised that after a conversation with Supervisor Fitzpatrick & Budget Officer Tom Chartrand this has been done in advance so we were able to make the TOL Newsletter deadline, and that the meeting will be held via ZOOM at 5:30 pm.

**R-119-20 Councilor Dwyer moved, and Councilor McConnell seconded the motion to set the 2021 Organization meeting for January 12th, 2021**

**at 5:30pm via Zoom. Motion carried 5 - 0.**

**Danny 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. Lastly, our NYCLASS interest went down slightly from 0.095% to 0.085%. Court fines look to be at about 50% so we will have a budget deficit there. We received our first franchise check from Time Warner, but we will be about $30k short on that line item because they only paid us for May – Sept and we most likely won’t receive our next check until Jan./Feb. Good news is that our overall Spending is at 57% and Revenue is at 93%; Highway is at 66% Spending and over 99% for Revenue once we receive the CHIPS funds; Library spending is at 79% and 98% Revenue. We received the estimates from the County Mortgage tax for the 2nd half of the year and we will be $31k to the positive which will take care of the shortage in the Franchise fees this year.

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

3. Highway Superintendent – Deputy Superintendent Steve Robson gave a report as follows.

Roads: Have had (8) snow events since the last meeting.

Equipment: All plows active and ready.

4. Town Clerk

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

b. Town Clerk Roorda advised that she received a letter of Resignation from Greg Titus resigning from the Grievance Board of Appeals, effective on December 31, 2020.

5. Building and Code Enforcement

a. Monthly Report for November was in the packet for Town Board review*.*

6. Justice Court

a. Justices Monthly report for October 2020

168 - Total cases for Judge Perrin; $16,982.00 was taken in for the month of October 2020

73 - Total cases for Judge Shute; $7,670.00 was taken in for the month of October 2020.

b. 2020 January through September Audit/Review of Justice Court Records were distributed for review by the Town Board.

7. Library – October 2020 Board of Trustees Minutes & Director’s Report were available for the Town Board’s review.

8. Parks, Library & LCC:

**Parks**

* Flower boxes were picked-up in October and are being stored in pole barn at new property adjacent to the park
* Park equipment has been taken down/removed and stored (some trash cans remain in place), and bathrooms at Stafford Park have been closed and winterized

**Library**

* Physical library is open – patrons are granted access to use computers or browse for books by appointment only. Social distancing practices are in place for computers, etc. Curbside service will continue to be offered as an option.
* Remodeling projects involving the circulation desk and foyer have begun:
  + The circulation desk has been resituated – turned 90 degrees, for better patron experience, and new, all-weather carpeting will be installed around the circulation desk
  + The foyer wall has been repaired and repainted. Plan to install an accordion door to block access to book return, and hide equipment such as shovels, salt, etc.

**Community Council**

* LCC youth programs are on hold until at least January 4, 2021, paralleling the New York Public High School Athletic Association (NYPHSAA) guidelines
* Adult LCC programs - senior exercise, yoga, and men’s basketball, are on hold for the time being
* Resumption of youth and adult programs is dependent on state guidelines and the LCSD’s policies.
* Ski program - will be conducted by Song Mountain per state guidelines
* The adult Coed softball league made a very generous donation to LCC

In addition to regular Parks/ Community Council Business:

The four AED’s\* the Town currently has, were obtained in November 2016, and put into service February 2017. The units were previously owned (used), with manufacture dates ranging from August 2007 to September 2008, and were part of a donation package in exchange for the purchase of a 5-year Maintenance Program. In addition to the donated AED units, the maintenance program included up to 4 additional replacement electrodes during the 5 years, and the units had a 1-year warranty.

The battery in each of the AED units expires February 7, 2021 and will need to be replaced. Each battery costs $326 and is good for 4 years. Also, the electrodes with each unit are due to expire in either March or May 2021. Replacement sets of electrodes are $51 each, and each AED requires two sets. The total to bring each AED up to date would be $428 plus handling fees, etc.

Given the age\*\* of the AED units we have, it has been recommended that we replace the units. A new replacement unit of the same model, Cardiac Science Power heart G3 Automatic AED, AHA/ERC, is $1,445, less a $100 rebate per unit, and comes with a 7-year warranty. This model is being discontinued and available only until sold out. NOTE: Over the 7-year warranty period, electrodes and batteries would need to be replaced periodically. Used units of this model are available for $599.

I would recommend deferring a maintenance program. Also, it may be possible to reduce the number of AED units needed to three, as the second AED unit for LCC would not be needed as we rarely have games or practices at more than one location at a given time.

|  |  |
| --- | --- |
| \*AED details | |
| LCC #1  Serial Number 4141050  Manufacture date: 8-31-07  Battery expires 2-7-21  Electrodes expire 3-28-21 | LCC #2  Serial Number 4152780  Manufacture date 11-5-2007  Battery expires 2-7-21  Electrodes expire 3-28-21 |
| Town Commons  Serial Number 4188445  Manufacture date 3-31-2008  Battery expires 2-7-21  Electrodes expire 5-28-21 | Town Highway  Serial Number 4222761  Manufacture date 9-18-2008  Battery expires 2-7-21  Electrodes expire 5-28-21 |

\*\* The Department of the Army Technical Bulletin (TB MED 7) lists **life expectancy** of a defibrillator at eight years. Manufacturers also determine to discontinue products when parts may become obsolete and are no longer available for service and repairs. Supervisor Fitzpatrick asked Prince for his recommendation. Based on the warranty and age of the old units Prince advised that he would go with the new units. Tom Chartrand advised that to date we have not spent money from that budget line so we may want to try and get these in the 2020 budget. The purchase would need to follow our procurement policy.

**R-120-20 Councilor Dwyer moved, and Councilor McConnell seconded the motion to authorize David Prince to secure 3 quotes to replace the AED’s and select the lowest quote up to $4500k with meeting the necessary procurement regulations. Motion carried 5 - 0.**

**Danny Fitzpatrick Supervisor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**William McConnell Councilor Voted Yes**

Councilor McConnell advised that a file cabinet for the Historical Items was made available by Councilor Dwyer through Howard Hanna Real Estate at a reduced cost of $100.00 and questioned Dave Prince if there is room for the cabinet in the Library. Dave Prince advised that there is a secured area in the children’s section. McConnell said he will deliver it tomorrow.

7. NEW BUSINESS - None

8. OPEN COMMUNICATIONS –

a. Onondaga County Legislature Chair Dave Knapp complimented and thanked Dave Prince, the LaFayette Fire Department, and the LaFayette Optimist Club for their combined efforts and success with the virtual Christmas Tree Lighting event that took place this past Sunday. He also thanked Mike Grimm Tree Service for donating the new beautiful lights on the tree and labor in decorating it as well.

b. Resident, Jeanie Gleisner advised that the Christmas tree lighting event was nicely done. Then repeated her request for the Town Board to look at the Conservation Subdivision recommendations and form a committee for this task.

9. Motion to audit and pay bills.

General Fund 16835-16885 $ 42,965.33

Highway Fund 16886-16896 $ 15,479.53

Special District 16897 $ 102.36

**R-121-20 Councilor Palmer moved, and McConnell 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**

**R-122-20 Supervisor Fitzpatrick moved and Zajac seconded the motion to move to Executive session for the purpose of discussing employment history of two individuals, to include the Town Board, Attorney**

**and Budget Officer.** **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**

At 7:04 the Town Board returned from Executive Session.

**R-123-20 Councilor McConnell moved, and Dwyer seconded the motion to exit the Executive Session and return to the regular monthly 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**

**R-124-20 Councilor Dwyer moved, and McConnell seconded the motion authorizing Supervisor Fitzpatrick to draft letters to the Town Historian and Constable on behalf of 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**

**William McConnell Councilor Voted Yes**

10. Motion to adjourn.

**R-125-20 Councilor McConnell moved, and Palmer 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 7:10 p.m.

Respectfully submitted,

Jacqueline G. Roorda

Town Clerk