

August 9th, 2016 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on August 9th, 2016 at 7:00 p.m. (Vouchers at 6:00pm) in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Andrew Ohstrom, Councilor
Steve Zajac, Councilor
Doug Daniel, Councilor,
Melanie Palmer, Councilor

Absent: Kerry Evans, Councilor

Recording Secretary: Jacqueline G. Roorda, Town Clerk

Others Present: Kevin Gilligan, Town Attorney
Thomas Chartrand, Budget Officer
Ralph Lamson, Bldg. & Code Enforcer
John Greeley, Hwy Superintendent
Dave Prince, Parks & Rec & Library
Jeff Palin, C & S Companies
Anita Miner, Mark Schwab and
Jack Gargaro, 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 Palmer.
3. The Town Clerk, Jackie Roorda took the Roll. Absent: Kerry Evans
4. Town Board Minutes of July 12th, 2016 Regular Meeting.

Supervisor Ohstrom moved and Palmer seconded the motion to accept the minutes of July 12, 2016 regular meeting as submitted by Town Clerk, Jackie Roorda. Motion carried 4-0.

Andrew Ohstrom	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Doug Daniel	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

5. COMMUNICATIONS

1. ZBA Member Appointment of Anita Miner. - Supervisor Ohstrom introduced Anita Miner and asked her to give a brief background. Anita explained that she is a forty-two year resident of the Town of LaFayette. Her children attended LaFayette Central School and she was on the committee for the LaFayette Comprehensive Plan. She recently retired from her nursing career and wishes to be a Member of the Zoning Board of Appeals to replace the vacancy of Kelly Green who recently relocated.

Supervisor Ohstrom moved and Daniel seconded the appointment of Anita Miner to the Zoning Board of Appeals to complete the remaining term of Kelly Green. Motion carried 4-0.

Andrew Ohstrom	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Doug Daniel	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

2. Local Law/National Flood Insurance (NFIP) Flood Damage Prevention. Supervisor Ohstrom asked Attorney Gilligan to give a brief summary regarding the proposed local law for flood maps and regulations. Attorney Gilligan explained that a local law amending the Local Law 1 of 1987 needs to be amended pursuant to the Department of Conservation and Environmental Protection. He has drafted the proposed Local Law A of 2016 for the Town of LaFayette.

TOWN OF LAFAYETTE

TOWN BOARD RESOLUTION

August 9, 2016

TOWN OF LAFAYETTE PROPOSED LOCAL LAW A OF 2016

Supervisor Ohstrom introduced proposed Local Law No. A-2016, “A Local Law Amending Local Law 1 of 1987 to repeal the existing language and replace it with the following language relating to Flood Damage Prevention in the Town of LaFayette, as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36,” which Local Law would adopt new flood maps for the Town of LaFayette, as promulgated by the New York State DEC, making appropriate properties eligible for Federal Flood insurance and containing regulations related to lands thereby affected, and made the following motion, which was seconded by Councilor Palmer:

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette.

NOW, THEREFORE,

RESOLVED AND DETERMINED, 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, with the result that the Town Board shall act as lead agency in this matter; and it is further

RESOLVED AND DETERMINED, the adoption of said Local Law is a Type II action for purposes of environmental review under SEQRA, thus concluding the SEQR review process; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2016 at the LaFayette Town Hall, 2577 Route 11, LaFayette, New York, on September 13, 2016 at 6:30 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

Andrew Ohstrom	Supervisor	Voted Yes
Steve Zajac	Councilor	Voted Yes
Doug Daniel	Councilor	Voted Yes
Melanie Palmer	Councilor	Voted Yes

The foregoing resolution was thereupon declared duly adopted. August 9, 2016.

6. Open Communication from the Public - Supervisor Ohstrom invited those in attendance to speak to the Town Board.

Mark Schaub of Collins Rd., LaFayette explained that he owns the majority of land on both sides of the unimproved dirt portion of Morezak Road. He is asking the

Town to consider abandoning that section of Morezak Road pursuant to Section 205 of Town Highway Law, and deeding it to him. He further explained that he would like to construct a home on this and his adjoining property. Superintendent John Greeley explained that he already discussed the matter with Attorney Gilligan and its Greeley's recommendation to abandon that portion of Morezak Road. Discussions included needing a survey, costs of maintaining the road, notification to Mary Shermeta and Ruth Collins who own adjoining properties, access to Berry Road, and the legal steps necessary to deed the property from the end of the pavement of Morezak Road over to Mark Schaub. Supervisor Ohstrom and Councilor Daniel questioned if there was a turnaround at the end for firetrucks, school buses and plow trucks. Greeley replied that no kids live in the one house on the road therefore no school buses travel on the road and the only maintenance the Highway Dept. does now is plow it for firetrucks. He explained it's a left-hand turn coming off Berry Road and the narrow dirt portion of the road is overgrown. He advised that Leon Cook used to mow it when he was Highway Superintendent. Attorney Gilligan commented that if the Town Board is interested in deeding this property to Mark Schaub he would be responsible for all the expenses incurred. Budget Officer Tom Chartrand commented that he thinks that section may be a right-of way, as there are no separate tax maps for this property. Attorney Gilligan commented that it's very confusing and we need to determine if it is a right-of-way. Ohstrom requested that Gilligan get him a summary with the bullet points of what Schaub will need to do if he wants to move forward and Ohstrom will send a letter to Schaub. He also commented that we do not want to spend a ton of money on Attorney fees investigating the property and asked Schaub if he can get an abstract on the property. Budget Officer Chartrand reported that when we did a similar abandonment of a portion of Maple Grove Road there were deposits of \$1,000 and \$3,900 for legal costs. Attorney Gilligan also advised that this will have to go to permissive referendum and a Public Hearing will need to be held if we move forward with the abandonment of the dirt portion of Morezak Road.

2. Jack Gargaro introduced himself advising he just moved here from the city and resides on Sky High Road. He explained that the speed limit is 45mph in front of his house, however people are going much faster and it's dangerous and tough to even get out of his driveway. He advised that he has notice this especially mornings and evenings when people are commuting back and forth to work. Supervisor Ohstrom asked if he relayed this information to the State Police and Sheriff's Dept. Mr. Gargaro advised that had already contacted them. Counselor Daniel offered to contact law officials regarding this. Mr. Gargaro also advised that he is hearing a lot of gun shots that seem to be closer than the regulation of five hundred feet from his property. Discussion regarding noise traveling, neighbors possibly doing target practice getting their guns ready for hunting season and a rifle barrel company that located is over the hill from his property may be sighting in the guns they make. Mr. Gargaro thanked the Town Board for their time, commented that he really likes living in LaFayette and living in the country and these situations are foreign to him after living in the city most of his life.

8. REPORTS

A. Departmental

1. Town Supervisor

a. Budget Officer Tom Chartrand gave a summary of the July, 2016, submitted the Monthly Financial Report, and advised of the following; It's been a quiet month, General Fund Mortgage tax ½ year is up \$6,000, Court fines are up a little. He further advised there are Library transfers needed.

Supervisor Ohstrom moved and Evans seconded the motion to authorize and allocate the Transfer of Appropriations as listed below.

Motion granted 4 – 0.

Andrew Ohstrom	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Doug Daniel	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

GENERAL FUND

To: 8160.4.4	Refuse & Garbage	Contractual	<u>\$3,000.00</u>
		TOTAL	<u>\$3,000.00</u>
From: A1990.4	Contingent	Contractual	<u>\$3,000.00</u>
		TOTAL	<u>\$3,000.00</u>

LIBRARY FUND

To: L7433.4	Library Operations (Postage)	Contractual	\$1,050.00
L7438.4	Library Operations (Dues)	Contractual	50.00
		TOTAL	<u>\$1,100.00</u>
From:			
L7411.1	Library Operations (Staff)	Personal Services	<u>\$1,100.00</u>
		TOTAL	<u>\$1,100.00</u>

Budget Officer Tom Chartrand advised that the budget workshops meeting dates have been reviewed and a motion to set the times and dates and posting should take place.

Councilor Daniel moved and Palmer seconded the motion to set September 13th, September 27th, and October 4th and if necessary, October 11th, 2016 at 5:30 PM for budget workshops for the 2017 Budget and also for Town Clerk Jackie Roorda to post these dates per open meetings law. Motion carried 4-0.

Andrew Ohstrom	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Doug Daniel	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

b. BAN for 2 new Highway Plow Trucks - Chartrand reported that last month after the Town Board authorized him to investigate percentage rates and numbers regarding the BAN for the 2 new highway plow trucks, he was able to find a significantly lower rate which is going to save the town a lot of money.

2. Highway Superintendent's verbal report

a. Superintendent Greeley advised that all the roads per the 284 Agreement have been completed, the turnaround on Orchard Lane is completed, and the Jamesville Grove project is forty-five percent finished, using Cohen's money. CHIPS requests are finished and we will be getting funds from the "Pave New York" money for Orchard Lane. There will be brush pick up from September 1 to September 15. Highway Deputy Steve Robson is working on a grant along with Mark Chambers and Jeff Palin of C & S Companies and we hope to get money for the Clark Hollow and Cascade Road bridges and culverts for McClary Road. They are applying for a grant for \$230,000, which will be submitted soon. The August 6th E-waste resulted in 8 skids of TVs, etc. He hopes that a grant they are applying for now from DEC will recover 50% of the costs and the money will be received in 2017.

b. Supervisor Ohstrom advised that Superintendent Greeley got quotes from SuiteKote regarding resurfacing the pavement of the Town Hall and Library parking lot; one for just filling the cracks, one for paving over the whole thing and one for cape sealing which seals the cracks, black tops the top and also an overcoat that should last ten years. Greeley stated that the Town Hall lot gets a lot of traffic between the Court and the Town Clerk's office and a lot of salt and sand is used in the winter months. Greeley realized that the wrong quotes were handed to them he'll get the right quotes to them. Counselor Daniel asked about who would be doing the striping for the parking lot. Greeley advised that Vince Maher is getting it done. Supervisor Ohstrom asked Budget Officer Chartrand if there is money in the facility budget. Chartrand replied that there is \$3,000.00; and in the Contractual Budget \$20,000 out of the \$60,000 was used for highway leaving a remainder of \$40,000. Chartrand also advised that we still have

outstanding highway garage items pending. Supervisor Ohstrom questioned when John Greeley will know more about the highway items still pending. Greeley commented that he should know by the end of September. Ohstrom commented that he feels we should table the matter until we know where the highway stands.

c. Old Highway Garage – Jeff Palin of C & S Companies advised that Supervisor Ohstrom requested he put together two proposals regarding the Old Highway Garage.

The first proposal was for the demolition of the old highway building down to the cement slab it sits on, at \$6,500.00. Palin advised that \$3,000.00 of the quote is for air monitoring due to the asbestos in the roof. He also advised that more information is needed to get our foot in the door for the grant. Daniel questioned if grant money would recoup some of the cost of the demolition.

The second proposal was for new construction of an 8,400 square foot, 3 separate area building, using metal studs, etc. at a cost over \$30,000.

Numerous discussions took place regarding utilizing the building as a new community center, a commercial business incubation center, legality of rental; income from the Groth Road Cell Tower and reinvesting cell tower money; possible sale of Old Highway Garage and Hotel Building (corner of Rt. 11 & 20); Restore New York Grant application; and the Community Center.

Supervisor Ohstrom advised that this is a lot of information to digest and analysis and suggested the board members review the material and continue the discussion at the September 13th Town Board Meeting.

Supervisor Ohstrom thanked Jeff Palin and advised that we should be able to move forward with the proposals in September.

d. Tank Removal - This discussion regarding the tank removal of the old tanks at the Old Highway Garage took place. The quote from Lavalley Brothers Construction was disqualified as there was no prevailing wage included; the Paragon Environmental Construction quote was \$6,000.00 and LifeSafe/FuelSafe quote was \$4,985.00.

Councilor Daniel moved and Ohstrom seconded the motion to select LiftSafe FuelSafe Inc. to remove the product and tanks authorizing the Supervisor to sign their proposal of \$4,985.00. Motion carried 4-0.

Andrew Ohstrom	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Doug Daniel	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

3. Town Clerk

a. Monthly Report and payment to Supervisor's Account for July 2016 were reviewed.

b. Roorda advised that the zoning ordinance updating committee met via skype with Kelly Green regarding rough drafts of the updated town codes and ordinances. The next meeting is scheduled for Tuesday when they will review the last draft. Kelly Green will make any necessary changes and plans to send the final draft to the Attorneys and the Town Board for their opinions and review. Roorda commented that hopefully the review will not take long and the ordinances can go to General Code to continue with the codifications process.

c. Roorda reported that DEC hunting licenses went on sale on August 1st and despite a few glitches in the computer system, sales are going well.

4. Justice Court - 141 - total cases for Judge Perrin; \$10,043.00 was taken in for the month of June, 2016.

132 - total cases for Judge Shute; \$10,992.00 was taken in for the month of June, 2016.

5. Library - May 9 Board of Trustees minutes and directors reports were included in the packets for the Town Board's review. Dave Prince advised that at their last board meeting they reviewed the percentages on the annual budget and realized that in the past, monies were moved from one portion to another on the budget lines. So realistically their numbers are less drastic as they thought after the budget review. They will be reviewing the numbers and making sure the budget lines are more accurate and figures are in the correct line locations for the 2017 budget.

Prince also advised that with the resignation of Phyllis Olmsted they have put out notices and information for those interested in the library secretary position to contact them. The notices will be in the green sheet and the Town newsletter. Autumn Meldrum is acting now as the interim secretary until the position is filled.

6. Recreation Director Prince advise that all this is summer sports have been completed as of last Thursday. Community Council had an ice-cream social which was really nice as they were able to properly and publicly thank the coaches who have volunteered. He also advised that the soccer and tennis camps went well. They will be meeting with all the coaches for soccer just to discuss the program and make sure everyone is on the same page. Supervisor Ohstrom thanked Dave Prince for his report.

7. Parks and Recreation - Dave Prince advised that due to the dry weather and little rain there is not much mowing therefore they have used sixty gallons less of paint for lining the fields as the paint last a lot longer.

B. Committee Reports

1. Safety - Supervisor Ohstrom advised that the community center is scheduled for a safety inspection.

9. LITIGATION & OTHER LEGAL MATTERS

10. UNFINISHED BUSINESS & ACTIVE

11. NEW BUSINESS - Article 10- Attorney Gilligan gave a brief summary saying that he has been informed that Power of New York and the Governor want the State to govern windmills that are over seven hundred feet. This would be taking away individual municipalities ability to govern their own activities. He advised that most of the activity with windmills is along the coastlines and the lakes and both Clayton and the Town of Somerset have adopted and updated their own laws to protect their municipalities. Councilor Daniel expressed his thought that the first line of defense is to make sure our ordinances are as current as can be and to look at the Comprehensive Plan while doing this. Town Clerk Roorda advised that she will check with Kelly Green and the Ordinance Committee to be sure this is included in our updates.

12. Suggestions for improvement and positive contributions.

13. Executive Session (not necessary)

14. Motion to audit and pay bills.

General Fund	9516-9569	\$ 38,892.11
Highway Fund	9570-9588 & 2 Wire Transfers	\$ 219,218.86
Special District	9598-9601	\$ 46,151.67
Trust & Agency	9604	\$ 40.00
Cap. Development Fund	9506	\$ 72.00

Councilor Palmer moved and Daniel seconded the motion to audit and pay the above listed bills. Motion carried 4 - 0.

Andrew Ohstrom	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Doug Daniel	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

15. Motion to adjourn.

Councilor Palmer moved Daniel and seconded the motion to adjourn the meeting. Motion carried 4 - 0.

Andrew Ohstrom	Supervisor	Voted	Yes
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**Steve Zajac
Doug Daniel
Melanie Palmer**

**Councilor
Councilor
Councilor**

**Voted
Voted
Voted**

**Yes
Yes
Yes**

The Town Board Meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk