

March 8th, 2016 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on March 8th, 2016 at 7:00 p.m. (Vouchers 6:00-7:00 pm) 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
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
Jeff Palin, Matt Walker and
Mark Chambers of C & S Companies
Dave Prince, Rec & Library
John Greeley, Highway Superintendent

1. Supervisor Ohstrom called the meeting to order at 7:00 PM and welcomed all in attendance.
2. The Town Clerk, Jackie Roorda took the Roll. All Present.
3. Pledge to our U.S. Flag was led by Councilor Daniel.
4. Town Board Minutes of February 9th, 2016 Regular Meeting.

Supervisor Ohstrom moved and Palmer seconded the motion to accept the minutes of February 9th, 2016 regular meeting as submitted by Town Clerk, Jackie Roorda. Motion carried 5-0.

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

5. COMMUNICATIONS

A. Library and Town Amendment to Agreement and Resolution

AMENDMENT TO AGREEMENT

MARCH 8, 2016

This **Amendment to Agreement** is entered into between the Town of LaFayette (Town), a New York municipal corporation with its main office located at the LaFayette Commons, 2577 Route 11, P. O. Box 193, LaFayette, New York 13084 and the LaFayette Public Library (Library), a New York educational corporation, also having its office and facilities located at the LaFayette Commons, Route 11, LaFayette, New York.

RECITALS

1. The Town and Library entered into an agreement dated September 23, 1996 pursuant to which the Library and its facilities are located in the LaFayette Commons building.

2. The Library has informed the Town that it has applied for a construction grant related to various improvements it wishes to undertake in its facilities.

3. In order to qualify for this grant funding, the Library must guaranty to its funding source, continued occupancy for an additional ten (10) years in its current LaFayette Commons space.

4. The current Agreement between the Town and the Library is due to expire on June 30, 2021.

5. In order to qualify for the grant, the term of the 1996 Agreement would have to be extended until 2026.

AGREEMENT

In consideration of One (\$1.00) Dollar and other good and valuable consideration, the parties further agree as follows:

1. Paragraph 2 of the 1996 Agreement, titled "Term" is hereby amended to extend the Agreement's expiration date to December 31, 2026, contingent upon the Library securing grant funding which requires continued occupancy for a ten (10) year period.

2. All other terms and conditions of the September 23, 1996 Agreement shall continue in full force and effect.

TOWN OF LAFAYETTE
RESOLUTION TOWN BOARD MEETING
March 8, 2016

The following resolution was offered by Supervisor Ohstrom, who moved its adoption, seconded by Councilor Evans, to wit:

WHEREAS, the Town of LaFayette (Town) and the LaFayette Public Library (Library) entered into an agreement dated September 23, 1996 pursuant to which the Library and its facilities are located in the LaFayette Commons building; and

WHEREAS, the Library has informed the Town that it has applied for a construction grant related to various improvements it wishes to undertake in its facilities; and

WHEREAS, in order to qualify for this grant funding, the Library must guaranty to its funding source, continued occupancy for an additional ten (10) years in its current LaFayette Commons space; and

WHEREAS, the current Agreement between the Town and the Library is due to expire on June 30, 2021; and

WHEREAS, in order to qualify for the grant, the term of the 1996 Agreement would have to be extended until 2026.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, that the Town board shall proceed as lead agency and that the proposed action is a Type II action for purposes of SEQR, thus concluding the environmental review process; and it is further

RESOLVED AND DETERMINED, that paragraph 2 of the 1996 Agreement titled “Term” is hereby amended to extend the Agreement’s expiration date to December 31, 2026, contingent upon the Library securing grant funding which requires continued occupancy for a ten (10) year period; and it is further,

RESOLVED AND DETERMINED, that all other terms and conditions of the September 23, 1996 Agreement shall continue in full force and effect; and it is further;

RESOLVED AND DETERMINED that this resolution is subject to a permissive referendum.

The question 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
Kerry Evans	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly enacted

B. C & S Companies/Old Highway Garage Environmental Issues – Matt Walker presented the following summary.

Summary & Recommendations

The July 2015 limited subsurface investigation identified gasoline-related compounds in the soil at concentrations greater than NYSDEC established limits. The contamination is generally located to the north of the highway garage. Contamination in that area extends to a maximum depth of 20 feet, as far as the northern property boundary, covering an area of approximately 4,800 square feet. The total volume of gasoline-impacted soil is estimated to be 1,800 to 3,600 cubic yards. What appear to be localized impacts were identified to the northwest of the building at the Waste Area and at the southwest corner of the building (including under the building). Contaminants of concern at the Waste Area included gasoline-related compounds and contaminants of concern at the southwest corner of the building include gasoline-related compounds and polychlorinated biphenyls (PCBs – commonly used in high temperature oils). It is estimated that the contamination at the Waste Area may measure 25 feet by 25 feet to a depth of 2-3 feet (70 cubic yards). It is estimated that the contamination at the southwest corner of the building may measure 40 feet by 15 feet to a depth of 7 feet (156 cubic yards).

The recent groundwater investigation indicated gasoline-related impacts in 4 of the temporary groundwater monitoring wells installed north of the building. The only detected compound in TW-3 (northwest of the building) was methyl tert butyl ether (MTBE – a former gasoline additive). The source may be the various items historically discarded in that area. The remaining wells (TW-4, TW-6, and TW-7) have elevated concentrations of benzene, toluene, ethylbenzene, and xylene (BTEX) and other gasoline related compounds. BTEX values range from 758 ug/L to 5,450 ug/L. The area of contaminated groundwater may occupy approximately 5,000 to 10,000 square feet on the northern portion of the Site. The contaminated groundwater possibly extends under the building as well as to the north under the adjacent property located at 2449 Route 11. Contaminated groundwater exists in the saturated sand layers that are located between dense silt / clay layers. The sand layers are present at varying depths between 6 and 15 feet. Groundwater flow is uncertain and appears to flow northwest based on local topography or north / northeast based on groundwater elevations. Based on the above, we recommend the following additional investigative and clean-up activities:

1. Removal of temporary groundwater monitoring wells TW-1 through TW-7. They will be removed because they are not as effective as permanent wells for long-term monitoring. **Cost: \$500 – \$1,000**
2. Drilling of 9 permanent groundwater monitoring wells. These type of wells provide a higher quality of accuracy for groundwater levels and better represent subsurface conditions. **Cost: \$10,000 – \$15,000**
3. Surveying of the locations and elevations of the permanent wells by a licensed land surveyor. **Cost: \$1,000 – \$2,000**
4. Excavation of the Waste Area located northwest of the building. The excavation will include removal of soils that are physically impacted. Once complete, the walls and floor of the excavation will be sampled and the contaminated soil will be taken to an approved landfill. **Cost: \$8,000 – \$12,000**
5. The impacted soils at and under the southwest corner of the building will be excavated following demolition of the building. The excavation will include removal of soils that are physically impacted. Once complete, the walls and floor of the excavation will be sampled and the contaminated soil will be taken to an approved landfill. **Cost: \$18,000 – \$22,000.**
6. Completion of a baseline groundwater sampling event. Groundwater will be analyzed for

gasoline-related compounds and other tests that will help determine how to best treat the contaminated soil area. **Cost: \$1,500 – \$3,000**

7. Following installation and initial sampling of the permanent wells, we will develop a remedial plan that will indicate how we plan to implement the clean-up and what the expected timeline will be. We plan to treat the soil / groundwater in-place by injecting a specifically engineered oxygen release compound (ORC) into the sand layers. Other methods such as soil removal or a pump and treat operation are very costly and / or labor intensive. **Cost: \$13,000 – \$16,000**

8. Completion of at least 4 quarters of groundwater sampling to assess the effectiveness of the ORC injection program. **Cost: \$6,000 – \$8,000**

Anticipated cost of project: \$58,000 - \$79,000

Please note that these recommendations are subject to change based on input from the NYSDEC and possibly the Department of Health (DOH). In addition, official quotations for this work have not been prepared, and the above costs are estimated for discussion purposes.

Matters discussed were that item # 5 isn't pertinent; C & S Companies and the Supervisor will present the report; there is enough money in the budget to cover the first phase; estimated time to hear back from DEC is 2 – 3 weeks and a motion to approve the presentation of this summary and recommendation to the Department of Conservation needs to be made.

Supervisor Ohstrom moved and Zajac seconded the motion authorizing C & S Companies to approach New York State Department of Environmental Conservation with their Summary and Recommendations with regard to the old Highway Garage property. Motion carried 5-0.

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

C. Rounds Cemetery Marker - Supervisor Ohstrom advised that he was approached by Daniel Rounds requesting the Towns assistance regarding a roadside historical marker for the Rounds Cemetery on Coye Road. The William G. Pomeroy Foundation has sent a check in the amount of \$1,000 to the Town for the cost of the marker. Sewah Studios only accepts Municipal checks, therefore we need to deposit the check received and submit a Town Check to purchase the marker.

Supervisor Ohstrom moved and Evans seconded the motion authorizing the acceptance and deposit of the \$1,000 check received by the William G. Pomeroy Foundation, for the purchase and installation of a roadside historical marker for

the Rounds Cemetery and issuing a check in the amount of \$1,000 to Sewah Studios, Inc. Motion carried 5-0.

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

6. REPORTS

A. Departmental

1. Town Supervisor

a. Budget Officer Tom Chartrand reported the following:

All Taxes have been received for the Town by the Tax Collector

General Fund

Receipts Strong month for Town Clerk Fees & Court fines,

Abstract #1 large due to Taxes paid to SOTS and Fines paid to NYS Court

Highway Fund

First 1/2 of Snow & Ice contract received almost 2 months earlier than last year

Trust and Agency

Second payment from Longley Jones for P.I.L.O.T. I will prepare vouchers to distribute

Transfer sheet is to cover change in Dog Control Salary and to cover first 1/4 payment for the new Workers comp policy until we receive a refund from PERMA

He advised that he dropped off the Supervisors Records for Audit this week, they are in the Supervisor's office. If we have time after auditing the Vouchers I can go over the Audit check list with the board members and explain the Audit process.

b. Tom then reviewed the transfers of appropriations that are necessary this month.

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

Motion granted 5 – 0.

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

Transfer of Appropriations

GENERAL FUND

To:

A3510.1	Dog Control	Personal Services	180.00
A8090.4	Environmental Control	Contractual	50,000.00
A9040.8	Workers Compensation	Employee Benefits	19,820.00
			<hr/>
		TOTAL	70,000.00
			=====

From:

A599	Surplus 2015	Closing	35,000.00
A1440.4	Engineer	Contractual	15,000.00
A3510.4	Dog Control	Contractual	180.00
A1990.4	Contingent	Contractual	19,820.00
			<hr/>
		TOTAL	70,000.00
			=====

c. Chartrand asked Dave Prince if LCC is interested in the swim program with the Town of Pompey, as last year. There are two sessions July 5th – July 22nd or July 25th – Aug 22nd. Councilor Evans advised that the second session would conflict with the soccer program, therefore it was decided to go with the July 5th k- July 22nd at 11:15AM session. Attorney Gilligan will draw up the agreement and forward it to Town of Pompey Attorney Jeff Brown and their Recreation Director, Rosemary Bush.

d. Supervisor Ohstrom moved and Daniel seconded the motion to make notice reflecting that the Town Board has reviewed, audited and approved the Town Supervisors financial records for 2015. Motion granted 5 – 0.

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

e. Supervisor Ohstrom moved and Palmer seconded the motion to authorizing the posting and filing of the 2015 Annual Financial Report for the Town of LaFayette. Motion granted 5 – 0.

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

2. Highway Superintendent – The below written report was submitted and read by Superintendent John Greeley.

- **Roads:** Snow and ice ops 30 times since last meeting
- Ditching and shoulder work being performed...
- Preparing 284 agreement for next meeting.
- Advocacy day is tomorrow in Albany. I will be representing Onondaga county and meeting with Senator Valesky. #localroadsmatter
- **Equipment:** Truck #10 sander and plow equipment removed. All plow trucks active ready.
- Roadside mower tires replaced and mower serviced
- **Highway Building:** Siding pieces have been replaced on outside of building.
- Powder coated garage doors have been delivered and will be installed starting Wednesday.

Greeley gave verbal report that when the weather cooperates; the external slab at the Highway Garage will be corrected, it is important to make sure the temperature doesn't go below 30 degrees when concrete is poured.

Greeley reported that LaValley is assisting in “getting the Bugs out” of the fuel monitoring system.

3. Town Clerk

a. Monthly Report for February 2016 and payment to Supervisor’s Account was reviewed.

b. Roorda advised that she received an email request from Senior student Jacob LeBlanc asking if he and two fellow senior classmates can reserve a baseball field and Pavilion II at Stafford Park for their Senior Project. They are planning having students of LaFayette vs. Faculty of LaFayette High School softball game to raise money for Clearpath for Veterans on June 11th, 2016. Roorda advised that Mr. Fox, LaFayette High School Social Studies teacher and Tennis Coach, requested the use of the tennis courts and Pavilion 1 also on June 11th to host the end of the year picnic along with a 30 Year Tennis Reunion. Both are requesting the Town Boards approval and waiving of rental fees.

Supervisor Ohstrom moved and Evans seconded the motion to authorize the Senior Project and Tennis Reunion/End of Season Picnic on June 11th, 2016 at Stafford Park as requested and approve the of waiving of the rental fees associated with the Pavilion use for both venues. Motion granted 5 – 0.

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

c. Town Clerk Roorda also reported that she attended sessions during the Association of Towns Conference in New York City regarding credit card payments being accepted from residents for payments associated with taxes, dog, marriage and hunting licenses, etc. and any fees received and also regarding the Town having a credit card to use when ordering supplies etc. Discussion took place and Budget Officer Chartrand advised that it can become a nightmare with the Town using a credit card as many times tax is included and to reverse the tax charge is very time consuming and difficult. That the credit card would need to be very carefully monitored and policies and procedures would need to be strictly enforced. Roorda advised that she is more interested in the Town accepting credit card payments for services provided as many residents have questioned when that will take place. Roorda is going to reach out to fellow Town Clerks to get more information on their Town policies and procedures and recommendations and advise at a later date.

d. Roorda advised the Town Board that Historian Emeritus J. Roy Dodge has written a book “Conklin Falls” and it is being published by a local family. She was approached by a resident to see if there can be a notice in the Town Clerks Office advising of the book and where it can be purchased. After a brief discussion, it was agreed that as long as no money is involved, displaying Roy Dodge’s book it fine.

4. Assessor

5. Building and Code Enforcement – Code Enforcement Officer, Ralph Lamson advised that he has been looking through the Codification Portfolio done by General Code and has some concerns.

6. Dog Control

7. Justice Court - 179 - Total cases for Judge Perrin; \$19,443.50 was taken in for the month of January, 2016.
151 - Total cases for Judge Shute; \$15,812.00 was taken in for the month of January, 2016.

8. Library – Library Board President, Dave Prince reported that they are hoping to get started with their remodeling projects in the near future.

9. Parks and Recreation - Dave Prince advised that there were kids on the ice on the Stafford Park pond on Sunday, despite the warm temperatures and danger in the situation. He questioned posting signs to stay off the ice. He also advised that the transition of not having a Recreation Director is going smoothly and Baseball and Lacrosse signups will be held at Town Office Building on Tuesday evenings. Prince advised that the website has been updated as well.

B. COMMITTEES

1. Agricultural Committee

2. Community Development

3. Emergency Response - Councilor Daniel advised that the contact list is in need of updating and he will discuss this with Kelly Green as she has the master disk regarding this.

4. Employee Policies and Procedures

5. Environmental and Conservation Advisory Board

6. Highway

7. Physical Plant – Councilor Zajac advised that Larry Smith is the Physical Plant Deputy. Supervisor Ohstrom reported that there is a mailbox and work order book for jobs that need to be completed.

8. Recreation and Youth

9. Safety & Facilities

10. School Liaisons

11. Service Awards - Supervisor Ohstrom read the thank you letter received by the LaFayette Fire Department with regard to the contribution from the Town for their budget expenses with regard to the restructuring of the Ambulance Portion of their organization, Workers Compensation and payroll expenses.

Supervisor Ohstrom moved and Palmer seconded the motion to accept and approve the publication list of LaFayette Fire Department Roster for Length of Service Participants for 2015. Motion granted 4 – 0, with 1 abstention.

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

Councilor Palmer will check with Bill McConnell regarding completion of the LOSAP procedure.

12. SOTS and OCRRA – Supervisor Ohstrom advised that there is a SOTS meeting Thursday morning at 8:30 AM.

13. SPDES

10. TOWN ATTORNEY/LITIGATION & OTHER LEGAL MATTERS

1. Festival Gardens Pilot Agreement - Attorney Gilligan advised that he has nothing to report as he still has not heard back from the attorney for Longley Jones.

11. NEW BUSINESS – Supervisor Ohstrom advised that Cameron Stout would like his Eagle Scout project to do some revitalization at Bailey Park in Cardiff. He has a long list of projects he would like to complete at the Park. He would need proof of insurance in order for this to happen.

Supervisor Ohstrom moved and Zajac seconded the motion authorizing Cameron Stout to do a revitalization of Bailey Park as his Eagle Scout Project subject to receipt of proof of liability insurance from Boy Scouts of America. Motion carried 5 – 0.

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

- 12. Suggestions for improvement and positive contributions.
- 13. Motion to audit and pay bills.

General Fund	8810-8846	\$ 59,866.27
Highway Fund	8848-8868	\$ 20,116.11
Special District	8870	\$ 95.98
Cap.Development Fund	8877	\$ 56.00
Trust & Agency	8871-8874	\$ 32,706.00

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

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

- 15. Motion to adjourn.

Supervisor Ohstrom moved Palmer and seconded the motion to adjourn the meeting. Motion carried 5 - 0.

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

The Town Board Meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk