**November 10th, 2016 LaFayette Town Board Meeting Minutes**

Minutes of the Town Board Meeting held by the LaFayette Town Board on November 10th, 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

Kerry Evans, Councilor,

Melanie Palmer, Councilor

Doug Daniel, 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

Jim Nakas, Planning Board Chairman

Brad Bush, Planning Board Member

Mark Chambers & Jeff Palin, C & S Companies

Michael Johnson, (Alt Power Sol.) Dpty Dog Control

Jay & Kristin Colburn, Deputy Town Clerk

Lisa Shenandoah Kurtz, Tom Kurtz

Al Klaiber & Mackenzie McElhannon, 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 Evans.

3. The Town Clerk, Jackie Roorda took the Roll. All Present.

4. Town Board Minutes of October 11th  and October 18th, 2016 Meetings.

**Supervisor Ohstrom moved and Palmer seconded the motion to accept the minutes of October 11th and 18th, 2016 Town Board meetings as submitted by Town Clerk, Jackie Roorda. Motion carried 5 - 0.**

**Andrew Ohstrom Supervisor Voted Yes**

**Doug Daniel Councilor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Kerry Evans Councilor Voted Yes**

**5. PUBLIC HEARINGS –**

1**.** Adopt 2017 Budget

Supervisor Ohstrom opened the Public Hearing regarding the Adoption of the 2017 Preliminary Budget. Tom Chartrand advised that Health Insurance premiums have increased. Ohstrom asked if there were any questions, comments or concerns. None were voiced. The Public Hearing was closed.

**Supervisor Ohstrom moved and Daniels seconded the motion to adopt the 2017 preliminary Budget as the Official Town of LaFayette 2017 Budget. Motion carried 5-0.**

**Andrew Ohstrom Supervisor Voted Yes**

**Doug Daniel Councilor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Kerry Evans Councilor Voted Yes**

2. Local Law B 2016

Supervisor Ohstrom opened the Public Hearing regarding consideration of the enactment of Proposed Local Law B 2016 regarding Uniform Code. Attorney Gilligan advised that in the Town Code there is specific language that every time New York State Codes makes an amendment the Town has to change our language. This will cover any further amendments, therefore the Town will not have to change our Code each time. He asked if there were any questions, comments or concerns. None were voiced. The Public Hearing was closed.

**RESOLUTION**

**LAFAYETTE TOWN BOARD**

**November 10, 2016**

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law B-2016 Amending Section 1 of Local Law 4-2009 to Repeal the Existing Language and Replace it With new Language Relating to the New York State Uniform Fire Prevention and Building Code”, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held October 11, 2016; and

**WHEREAS**, a public hearing was held on said proposed Local Law No. B-2016 on November 10, 2016 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, at its October 11, 2016 meeting the Town Board determined that this proposed legislation is a Type II action for purposes of SEQR, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. B-2016.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. B-2014 as Local Law No. 2-2016 as follows below: **Motion carried 5-0.**

**Andrew Ohstrom Supervisor Voted Yes**

**Doug Daniel Councilor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Kerry Evans Councilor Voted Yes**

**TOWN OF LAFAYETTE**

**LOCAL LAW NO. 2-2016**

**A LOCAL LAW AMENDING SECTION 1 OF LOCAL LAW NO. 4-2009 TO REPEAL THE EXISTING LANGUAGE AND REPLACE IT WITH THE FOLLOWING LANGUAGE RELATING TO THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

**Be it enacted** by the Town Board of the Town of Lafayettethat Section 1 (“Purpose and Intent”) of Local Law No. 4-2009, titled “A Local Law Updating Ratifying and Adopting Regulations Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of LaFayette and Repealing Previous Regulations”, is hereby repealed and replaced in its entirety by this Local Law as follows:

**Section 1. Purpose and Intent.**

**“**This Local Law shall provide for the administration and enforcement by the Town of LaFayette of the New York State Uniform Fire Prevention and Building Code as currently in effect and as hereafter amended from time to time (“Uniform Code”). This Local Law is adopted pursuant to Section 381 of Article 18 of the New York Executive Law and in accordance with Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this Local Law, state law, or within the Uniform Code, all premises located within the Town of LaFayette, regardless of use, are subject to the provisions of the Uniform Code.”

**Section 2. Effective Date**

This Local Law shall take effect immediately upon its filing with the New York Secretary of State.

Public Hearings:

3. 2017 LaFayette Fire Department Contract,

4. 2017 Jamesville Fire district Contract & 2017 Ambulance Contract.

5. 2017 LaFayette Ambulance Contract

Supervisor Ohstrom opened the Public Hearing regarding the 2017 LaFayette Fire Department and Ambulance Contracts and Jamesville Fire District Contracts. Attorney Gilligan advised that the only new item is the LaFayette Ambulance Department is now incorporated and needs their own separate contract since they are no longer under the LaFayette Fire Department umbrella.. Ohstrom asked if there were any questions, comments or concerns. None were voiced. The Public Hearing was closed.

**Supervisor Ohstrom moved and Evans seconded the motion for the Town of LaFayette to enter into the 2017 contract between the Town of LaFayette and the LaFayette Fire Department. Motion carried 4-0, with 1 abstention.**

**Andrew Ohstrom Supervisor Voted Yes**

**Doug Daniel Councilor Abstained**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Kerry Evans Councilor Voted Yes**

**Supervisor Ohstrom moved and Evans seconded the motion for the Town of LaFayette to enter into the 2017 contract between the Town of LaFayette and the Jamesville Fire District. Motion carried 5-0.**

**Andrew Ohstrom Supervisor Voted Yes**

**Doug Daniel Councilor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Kerry Evans Councilor Voted Yes**

**Supervisor Ohstrom moved and Evans seconded the motion for the Town of LaFayette to enter into the 2017 contract between the Town of LaFayette and the LaFayette Ambulance. Motion carried 4-0, with 1 abstention.**

**Andrew Ohstrom Supervisor Voted Yes**

**Doug Daniel Councilor Abstained**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Kerry Evans Councilor Voted Yes**

6. Public Hearing – Local Law C-2017

Supervisor Ohstrom opened the Public Hearing regarding consideration of the enactment of Proposed Local Law C 2016 imposing a 6 month moratorium on Free Standing Solar Panel Installations within the Town of LaFayette. He explained that the purpose of a moratorium would be to enable the Town to investigate all aspects of large solar farms and determine the effects, both positive and negative on the Town. It would basically put a freeze on any new applications for solar systems for six months giving the Town Board time to complete a thorough study regarding this matter. He asked if there were any questions, comments or concerns.

James Nakas, Chair of the LaFayette Planning Board voiced concerns of glare and toxic concentration of selenium leaking into the soil from the solar panels if there is damage to the panels.

Discussions took place regarding the benefits the previous moratoriums on Wind turbines and hydro-fracking gave the Town the ability to investigate, get further information and ability to come up with reasonable guidelines regarding these matters.

Mike Johnson suggested the Moratorium limiting the size of solar farms to avoid huge utility scale projects until concerns are answered however not shutting down residential, small business and farms from taking advantage of grant monies available to them to have solar power. He advised that the issue of “glare” is a moot point as huge airports have hundreds of solar panels and they do not impede the airline pilot’s vision or view. He also addressed the concern of toxics leaking from any panels if one panel is damaged reporting that the silicate is a solid piece of material, there is no evidence of toxicity and any damaged panel is repaired within 48 hours as the damaged panel would affect the entire solar field. He suggests “On site consumption” are the key words for the Moratorium. Planning Board Member Brad Bush agreed with Johnson.

Code Enforcement Officer Ralph Lamson advised that in the proposed updated Town Ordinances we are proposing instead of Residential and Commercial classifications, having three groups: Small – up to 25kw residential or small business use; Medium which would be similar to the LaFayette Fire Departments solar use and Large. Lamson advised that he got the definitions from the Central New York Planning Board. He also reported that the Town has had Solar Permits in effect for approximately 2 – 3 years. The issue of concern with the moratorium is the amount of wattage.

Supervisor Ohstrom reiterated the options; 1st) to adopt the proposed Moratorium as is with 12 kilowatts or 2nd) adjust the kilowatt higher and vote on the moratorium next month.

Lamson question if someone needs more wattage, may they approach the Town Board during the moratorium period requesting that. Gilligan advised yes and that the moratorium can be withdrawn at any time prior to the six months.

Johnson advised the Town Board that he will be more than willing to work with the Town and answer any solar questions that may arise. As far as usage he advised that homes outside of the hamlet and bigger homes, homes that use electric heat would require more than 12 kilowatts of solar power. Discussed also was a variance application at a cost of $250.00 and the importance of not restricting solar power for the residents and small businesses and farms. More discussion regarding increasing the kilowatt and pushing the Moratorium off a month continued along with increasing the kilowatt amount from 12 to 25.

Attorney Gilligan advised that the language in the proposed Moratorium is for 12 kilowatt (the average a small house would need) or less as long as the power is used on the property the solar panels are located on. He advised that if anything needs to be altered the moratorium as it stands will have to be rewritten and reintroduced at the next meeting and have to reopen the Public Hearing. Another option is to adopt the Moratorium as it is today and possibly amend next month, to get the action started.

Supervisor Ohstrom asked if there were any more questions or concerns. No more were voiced. The Public Hearing was closed.

Supervisor Ohstrom reiterated the options; 1st) to adopt the proposed Moratorium as is with 12 kilowatts or 2nd) to adjust the kilowatt to a higher amount and postpone the moratorium until next month. He also commented that solar power offers great clean, friendly power and agrees there should not be restrictions for residential. The Moratorium allows the Town to gain more knowledge, investigate any concerns and to be able to make good educated decisions regarding large solar farms.

**TOWN OF LAFAYETTE**

**TOWN BOARD RESOLUTION**

**November 10, 2016**

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law C-2016, imposing a six (6) month Moratorium on Free Standing Solar Panel Installations within the Town of LaFayette, was presented and introduced at a special meeting of the Town Board of the Town of LaFayette held October 18, 2016; and

**WHEREAS**, a public hearing was held on said proposed Local Law No. C-2016 on November 10, 2016 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, at its October 18, 2016 meeting the Town Board determined that this proposed legislation is a Type II action for purposes of SEQR, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. C-2016.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. C-2016 as Local Law No. 3-2016 as follows:

**TOWN OF LAFAYETTE**

**LOCAL LAW NO. 3-2016**

**Proposed Local Law C-2016 Imposes a six (6) month Moratorium**

**on Free Standing Solar Panel Installations within the Town of LaFayette**

SECTION 1: TITLE

This local law shall be known as Local Law No. 3 of 2016, a local law imposing a six (6) month moratorium on free standing solar panel installations within the Town of LaFayette.

SECTION 2: LEGISLATIVE INTENT

The Town of LaFayette presently has in effect a Town Zoning Law which has established regulations for building, construction and allowable uses within the town. The Town Board is of the opinion that a period of time is necessary to adequately review the current regulations concerning free standing solar panel installations, and to determine whether additional local regulations are necessary in order to preserve and protect health, safety and welfare of its residents. Such free standing solar panel installations can be both residential, commercial, large, obtrusive, and can and may pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations that may pose a risk. This moratorium will enable town officials to review and comprehensively address the issues involved with free standing solar panel installations that are becoming increasingly popular in our rural community. The town recognizes the potential benefits and desirability of solar power and renewal energy sources, but determines time and research is necessary to determine how to properly regulate the installations. The Supervisor and Town Board deem this moratorium emergent and immediately necessary for the Town.

SECTION 3: DEFINITIONS

Free Standing Solar Panels – A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy. Such devices or installations may be free standing, pole mounted, building integrated or rooftop panels.

For purposes of this moratorium the definition of Free Standing Solar Panels shall not include residential solar panel applications with a rated capacity of 12 kw or less so long as the power generated by said residential solar panels is principally used for the residential use on the property.

Person - The term person shall include any individual, partnership, association, corporation, landowner, lessee or licensee.

SECTION 4: MORATORIUM

1. The Town Board hereby enacts a moratorium which shall prohibit Free Standing Solar Panels anywhere within the Town.
2. For a period of six (6) months following the effective date of this Local Law, or sooner if the Town Board so determines by resolution that the intent and purpose of this law has been satisfied, the Town Board, the Town Planning Board, the Zoning Board of Appeals and the Code Enforcement Officer and all other officers and employees of the Town of LaFayette shall not accept, process, review or grant approval of any Building Permit, Site Plan, Use Variance, Area Variance or Specific/Special Permit applications or any other land use approval pursuant to the Zoning Law of the Town of LaFayette or any other laws of the Town, in connection with Free Standing Solar Panels within the Town of LaFayette, regardless of whether such applications have been submitted to the Town Board, Planning Board, Zoning Board of Appeals or Code Enforcement Officer prior to the effective date of this Local Law.
3. This moratorium shall apply to all zoning districts and all real property within the Town.
4. Free Standing Solar Panels that have been previously approved are expressly excluded from this moratorium.

SECTION 5: RELIEF FROM PROVISIONS OF THIS LOCAL LAW

1. all other officers and employees of the Town of LaFayette shall not accept, process, review or grant approval of any Building Permit, Site Plan, Use Variance, Area Variance or Specific/Special Permit applications or any other land use approval pursuant to the Zoning Law of the Town of LaFayette or any other laws of the Town, in connection with Free Standing Solar Panels within the Town of LaFayette, regardless of whether such applications have been submitted to the Town Board, Planning Board, Zoning Board of Appeals or Code Enforcement Officer prior to the effective date of this Local Law.
2. This moratorium shall apply to all zoning districts and all real property within the Town.
3. Free Standing Solar Panels that have been previously approved are expressly excluded from this moratorium.

SECTION 5: RELIEF FROM PROVISIONS OF THIS LOCAL LAW

1. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.
2. Application for relief shall be filed in triplicate with the Town Clerk together with a filing fee of $250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorneys’ fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.
3. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made by the Town Board solely after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.
4. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Clerk, and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 6: PENALTIES

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a free standing solar panel in violation of the provisions of this local law, shall be subject to:

1. A fine not to exceed One Thousand and 00/100 Dollars ($1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.
2. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

SECTION 7: ENFORCEMENT

This local law shall be enforced by the Code Enforcement Officer of the Town of LaFayette or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

SECTION 8: VALIDITY & SEVERABILITY

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 9: EFFECTIVE DATE

This local law shall take effect immediately upon passage and thereafter filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of passage.

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Kerry Evans** | **Councilor** | **Voted** | **Yes** |
| **Melanie Palmer** | **Councilor** | **Voted** | **Yes** |
| **Steven J. Zajac** | **Councilor** | **Voted** | **Yes** |
| **Douglas Daniel** | **Councilor** | **Voted** | **Yes** |
| **Andrew Ohstrom** | **Supervisor** | **Voted** | **Yes** |

The foregoing resolution was thereupon declared duly adopted.

**DATED: November 10, 2016**

Jim Nakas asked Supervisor Ohstrom if he could have a brief moment to thank the Town Board, Attorney and Highway Department for their support in regards to getting the speed limit reduction on Route 11A in Cardiff. He reported that the signs for 30 mph are up, he has witnessed State Troopers monitoring the speed limit and the vehicles, in particular the tractor trailers are definitely reducing their speed. Supervisor Ohstrom thanked Town Clerk Jackie Roorda for the Petition paperwork she submitted to the Department of Transportation.

7. Permissive Referendum Highway fence and gate.

Attorney Gilligan advised that it has been a busy period and realized that the Notice for the Public Hearing for the Permissive Referendum regarding the fencing and gate for the new Highway Garage that was voted on at the October meeting was not published within the timeframe deadline. It will therefore have to be readopted at this meeting to be in the 2016 Budget.

8. OPEN COMMUNICATIONS

Supervisor Ohstrom asked those in attendance if they would like to discuss anything with the Board.

Resident Mackenzie McElhannon questioned why do we need a $34,900 fence around the new Highway Garage?

Supervisor Ohstrom explained that in the original highway project a fence and digital sign at the Highway Garage were cut from the budget to keep costs down. It seems now that that was a mistake as the new Highway Garage area seems to be an extension of Stafford Park with people walking with strollers, joggers and cars which was not anticipated. He also advised that the Insurance Company and Safety Officer recommend the fence around the industrial facility.

McElhannon asked if there are signs posted making people aware they should not be there. She stated that with all the budget cuts made by the Town that there are a lot of other things such as the healthcare increasing as it has already been stated that the Town Board already had to dip into the reserve money for that. She questioned just putting a fence between the Park and Highway Garage at a much lower cost to stop people coming from the Park walking there. She also questioned if there has ever been any vandalism or theft.

Highway Superintendent Greeley advised that this is an extremely dangerous situation with people, especially kids walking and he is always afraid some kid may be hit by one of the trucks. He advised that there have been no accidents but there have been thefts and this was initially going to be a FEMA Emergency Facility. FEMA regulations strictly include having a fence around the facility along with the Red Cross Regulations, in the event of an emergency. He further advised that this would have no effect on his winter budget. He stated the original plans for the new highway facility were for $4.2 million, however he and his Deputy worked millions of hours and saved the Town $750,000 in the building of the new facility. Since the fence was in the original plan project and because of insurance, he approached the Town Board asking to install the fence and gate because Insurance demands it for liability concerns and he is concerned for the residents. Greeley advised that another reason to have the fence is to protect the salt and sand. He stressed that this was supposed to be in the original project and the fence and digital sign were cut from the budget to save the taxpayers. It has been two years now and it really needs to be put up for liability.

Supervisor Ohstrom commented that $34,000 is a lot of money and cuts in the budget were very challenging. He does not want to give mixed messages as this money is in the building reserve account for these purposes; this has been pushed off for a long time and commented that Greeley has new quotes, the original $34,000.00, and also under $30,000.

Brad Bush commented that he is not completely opposed to the fence however he would like to see the documentation from the insurance company that the Town is required to have the fence. He advised that his oil company has two locations, and his insurance company advised his company not to put up fencing even where fuel is stored, as fences come with liabilities. He stated that a fence is only as good as the hole in it and since the proposed fence doesn’t completely surround the premises, it will be ineffective as far as FEMA. He requested the written documentation regarding FEMA information, maintenance costs, police reports regarding the thefts and the insurance liability requirements.

Code Enforcer Ralph Lamson questioned the height of the proposed fence and what do FEMA regulations state? Greeley advised his specs are for 6 feet, Mark Chambers advised FEMA requires 8 feet. Lamson added that if the height doesn’t coincide with FEMA specifications, and questioned so are we or aren’t we building a fence based on FEMA? He further suggested scrapping the electric gate as his experience at the Syracuse Fire Department was that they were good for the first year and then the snow and ice messed them up and they ended up manually opening and closing them. Brad Bush agreed.

Mackenzie McElhannon noted that she works at the school, there are always kids running around, it is a safety concern with school buses and fuel pumps and that there are not cameras. She recognizes the importance of keeping the kids out of the way of danger, and inquired about all the lighting and cameras surrounding the building that are supposed to be part of the security of the Highway Department. Greeley advised that yes there are cameras however one on the back of the building is pointed at Route 81 as requested by the troopers and one on the side facing the park is pointed toward the park as a courtesy for the resident’s safety while walking the park trail in the dark.

Further discussions included getting quotes for a fence to separate the property line between the park and the highway property since that seems to be the greatest concern and would be significantly less costly. Other liability concerns as insurance coverage for Stafford Park, liabilities that are of concern such as the danger of the open pond at the park and falling through the ice as there is no fence around it, being more proactive using signage to stay out of the Highway Dept., other things in the highway garage that are not functioning properly such as the air system and sensors being added. What exactly does a 30 day “permissive referendum” mean to the residents who questioned how did this get approved?

Counselor Daniel suggested the Board take a long hard look at the concerns that the residents spoke of tonight. Specifically insurance quotes, FEMA regulations, liabilities and postponed this matter until the December meeting

Attorney Gilligan advised that in order for the money for the fence to come out of the 2016 Budget, the resolution for the permissive referendum would need to be passed tonight as if you wait until the December meeting there is not enough time to get the 30 days required. He also advised that even if it is passed the Board can authorize a lower amount if they wish. Supervisor Ohstrom advised that will this matter will be put it on the agenda for December and said that he sincerely appreciates people showing up at the meeting and giving their opinions. He also commented that the Board spent many hours going over the budget trying to keep any minimum and that they like residents input as it helps them in making those decisions.

Mackenzie McElhannon and Brad Bush questioned if they are going to get a proposal for a fence just to go along the park side of the Highway Department. Greeley advised that he can do that and that he wants them to understand that it’s not just that he wants a fence, it is a necessity to protect the Town’s liability insurance. Brad Bush stated that he does not want the town to go on the line for a $34,900 fence. Ohstrom advised that Greeley has lower quotes and Gilligan stated that the Town Board can authorize any amount. Ohstrom asked what lowest amount Greeley had a quote for was. Greeley advised that the lowest quote was for $29,875. Bush asked how the Board could vote on this since Greeley doesn’t have a quote yet on fencing along the Park. Supervisor Ohstrom advised that it can be passed stating not to exceed the lowest quote of $29,875.00, however if it’s decided to fence only on the one side toward the park, the amount may be significantly less.

**Supervisor Ohstrom moved and Zajac seconded the motion authorizing the withdrawal of an amount of money not to exceed the lowest quote of $29,875.00 from the General Reserve for Buildings to cover the cost of installing fencing at the Town’s new Highway Garage, subject to review of new quotes and Permissive Referendum .**

**Motion carried 4 - 1.**

**Andrew Ohstrom Supervisor Voted Yes**

**Doug Daniel Councilor Voted No**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Kerry Evans Councilor Voted Yes**

2. Lisa Kurtz questioned health insurance percentage costs to taxpayer/employee. Ohstrom advised that it is the same benefits and there is no plan change at this time. He also advised that the Reagan Company will be at the January meeting and OCEBA in February, 2017. Lisa asked about open enrollment and will there be an amendment in the Employee Handbook. Ohstrom gave her the new rates and advised yes regarding the Employee Handbook. Ohstrom advised Lisa to call Tom Chartrand regarding open enrollment.

7. COMMUNICATIONS.

          1.  Comfort Windows quote to repair damaged windows in the Town Hall. Ohstrom asked the Board members if they had a chance to look at the quote for the replacement of 10 windows and labor in the amount of $1,419.20. Councilor Zajac commented that he thinks the quote for this is less than he thought it would be.

**Supervisor Ohstrom moved and Zajac seconded the motion authorizing and approving the amount of $1,419.20 for Comfort Windows to repair the Town Hall windows as quoted. Motion granted 5 – 0.**

**Andrew Ohstrom             Supervisor          Voted           Yes**

**Doug Daniel Councilor Voted Yes**

**Steve Zajac                      Councilor                         Voted           Yes**

**Melanie Palmer                 Councilor                         Voted           Yes**

**Kerry Evans              Councilor                         Voted           Yes**

2. C & S Companies – Old Highway Facility, Mark Chambers advised that he is hopeful for closure by the next meeting regarding the new Highway Garage and Diamond and Thiel finishing up.

He also advised that he will have more information regarding environmental issues with the old highway garage by next month. Discussion regarding the two proposals provided by C & S Companies, the first proposal is for tearing down the old highway facility.

Mark advised that per the proposal, C & S will be responsible for the demolition of the garage and gave an estimated 3 week timeline to get to the bids and Jeff Palin advised that specifically, it will be a third party monitoring.

**Supervisor Ohstrom moved and Daniel seconded the motion to enter into the agreement with C & S Companies to provide the engineering service with regard to the demolition of the old highway garage at an amount not to exceed $6,500. Motion granted 5 – 0.**

**Andrew Ohstrom             Supervisor          Voted           Yes**

**Doug Daniel Councilor Voted Yes**

**Steve Zajac                      Councilor                         Voted           Yes**

**Melanie Palmer                 Councilor                         Voted           Yes**

**Kerry Evans              Councilor                         Voted           Yes**

Supervisor Ohstrom advised that the second proposal is for the engineering part in regards to rebuilding a facility at the location of the old highway garage. He advised that there are grant monies that can be applied for in order to make it a more functional facility. Possibilities are a new community center, library, etc. and advised that Senator Velasky will be here on Tuesday and hopefully they will be able to discuss this. Jeff Palin advised that whatever is built there has to be on the existing cement pad, not to disturb any soil. Daniel asked at what point does a Steering Committee need to start to work on this project. Ohstrom advised that the basic concept for now is to get the application for Grant money started.

**Supervisor Ohstrom moved and Zajac seconded the motion for C & S Companies to provide the engineering services and design for a new hamlet center at the location of the old highway garage allocating monies to be spent by voucher to allow them to get started for an amount not to exceed $28,500. Motion granted 5 – 0.**

**Andrew Ohstrom             Supervisor          Voted           Yes**

**Doug Daniel Councilor Voted Yes**

**Steve Zajac                      Councilor                         Voted           Yes**

**Melanie Palmer                 Councilor                         Voted           Yes**

**Kerry Evans              Councilor                         Voted           Yes**

A. Departmental

1. Town Supervisor

a. Budget Officer Tom Chartrand provided the report of 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:

A7310.1 Youth Program Personal Services 500.00

\_\_\_\_\_\_\_

TOTAL 500.00

From:

A7310.4 Youth Program Contractual 500.00

\_\_\_\_\_\_\_

TOTAL 500.00

HIGHWAY

To:

DA5110.4 Repairs Contractual 11,000.00

\_\_\_\_\_\_\_\_\_

TOTAL 11,000.00

From:

DA5110.1 Repairs Personal Services 11,000.00

\_\_\_\_\_\_\_\_\_

TOTAL 11,000.00

SPECIAL WATER DISTRICT FUND

To:

SW8341.4 Transmission & Distribution Contractual N E & S H 100.00

\_\_\_\_\_\_\_\_\_\_

TOTAL 100.00

From:

SW9730.7 Debt Service Interest Statutory Bonds 100.00

\_\_\_\_\_\_\_\_\_\_\_

TOTAL 100.00

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

• **Equipment:** All snow equipment is active ready. Will begin working on “Park” trailer plow.

• Voucher submitted for the roller rented since June.

**Roads:** Some ditching and shouldering is still being done.

• **Highway** **Building:**  C & S is continuing to work with Diamond and Thiel to resolve building issues.

Greeley advised the LaFayette Fire Department requested to use the old highway garage for training. He reported that there is no lighting as the main power was disconnected. Code Enforcer Ralph Lamson reported that the building is not safe, should not be used for training and there are asbestos issues as well.

Greeley also advised that he is trying to button up things at the new garage and that Diamond and Thiel were supposed to work on the roof tomorrow however winds and rain are predicted therefore Greeley told them not to work in those conditions.

Greeley also said that he will look into fence quotes and had no idea people were opposed to the fence. He advised that the quotes he got were as cheap as he could find, trying to save money. He will requote again and get a quote for just the front of the Park as well. He stated it is not just that I want the fence, it is what is needed and he is trying to do the best that he can.

3. Town Clerk

a. Monthly Report for October 2016 and payment to Supervisor’s account was in packets.

b. Roorda reported that she attended a two day PERMA sponsored conference in Syracuse giving a brief summary.

1) Social Media for Municipalities/Cyber Security points of interest, transparency safely utilizing websites, Facebook, Twitter, etc. with regard to Town Board topics for residents to have timely access to information.

2) Security in the Workplace - Town Hall, points of interest: Crisis De-Escalation using verbal communication as the primary tool in conflict resolution, providing communication guidelines to reduce stress and interactions with irate people or when crisis situations occur.

4. Building and Code Enforcement –

a. SPEDES – Lamson advised that there are a few things that need to be done at the Highway Department which he has sent to Highway Superintendent Greeley in order to keep our Town in Compliance with SPEDES. He will be in touch with them and report back.

b. Final Draft Approval of Zoning Ordinance - Code Enforcer Ralph Lamson said that he hoped everyone had a chance to review the updated Zoning Ordinances given to them in September in order to move forward with this project and with the codification project that was put on hold pending the new Ordinances. Since all had not completed review he requested that their review and research by done before the December meeting to take the next step towards completion.

c. Building Permits are down slightly approximately 15 to 20 less than last year.

d. Lamson advised that he has gotten a new quote for the computer program for Building and Codes at a much lower rate than the previous quote.

5. Dog Control – Supervisor Ohstrom advised that he has the Dog Control Officer inspection report which was completed on October 6, 2016 by New York State Department of Agriculture and Markets. He advised that the findings of the inspection illustrated passing satisfactorily in all categories.

Supervisor Ohstrom also advised that the annual 2017 Dog Control Contract was due for review and authorization.

**Councilor Palmer moved and Evans seconded the motion to approve the 2017 SPCA Dog Control Contract with the Town of LaFayette and authorize the Supervisor’s signature thereon.**

**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**

6. Justice Court -

a. Monthly Reports for the total amount of money turned over to the Town of LaFayette for the month of September from the LaFayette Justice Court

162 - Total cases for Judge Perrin; $10,199.00

was taken in for the month of September, 2016.

187 - Total cases for Judge Shute; $10792.00 was taken in for the month of January, 2016.

b. January – September 2017 Audit Reports for Justice Perrin and Justice Shute were reviewed by the Town Board.

B. COMMITTEES

1. Employee Policies and Procedures – Supervisor Ohstrom reported that benefit costs have increased due to insurance rates and in January and February he will be looking at a variety of Health Care Options that the Town will be facing in 2018.

2. Physical Plant – Supervisor Ohstrom advised that the Town Handyman Larry Smith has resigned. Fred Groth will be the handyman however his services will be paid as an independent contractor.

3. Recreation and Youth – Councilor Evans reported that programs are going well.

4. Safety & Facilities - Supervisor Ohstrom advised that the committee continues to have their regular meetings.

10. NEW BUSINESS – Planning and Zoning Board of Appeals Secretary position. Supervisor Ohstrom advised that with the resignation of Jackie Roorda, a committee to replace her will be reviewing applications and resumes using the same protocol as used with the position vacancy in the highway Department hiring process.

11. Motion to audit and pay bills.

**General Fund 9994-10026 $ 45,720.21**

**Highway Fund 9974-9993 $ 31,690.06**

**Special District 10040-10042 $ 246.56**

**Cap.Development Fund 10046-10047 $ 6,094.00**

**Trust & Agency 10043-10045 $ 550.00**

**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**

12. Motion to adjourn.

**Supervisor Ohstrom moved Evans 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 9:27 p.m.

Respectfully submitted,

Jacqueline G. Roorda

Town Clerk