

April 11th, 2017 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on April 11th, 2017 at 7:00 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

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

Recording Secretary: Jacqueline G. Roorda, Town Clerk

Others Present: Kevin Gilligan, Town Attorney
Thomas Chartrand, Budget Officer
Ralph Lamson, Bldg. & Code Enforcer
David Prince, LCC, Parks, Library
John Greeley, Hwy Superintendent
And Several 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 March 16th, 2017 Regular Meeting.

Supervisor Ohstrom moved and Palmer seconded the motion to accept the March 16th, 2017 regular meeting minutes as reviewed and submitted by Town Clerk, Jackie Roorda. Motion carried 5 -0.

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

5. PUBLIC HEARINGS – None

6. COMMUNICATIONS

A. Village of East Syracuse Properties in Town of LaFayette

Supervisor Ohstrom read an email from Robert Tackman, Mayor of the Village of East Syracuse regarding 5 properties that the Village of East Syracuse own in the Town of LaFayette requesting they be taken off the tax rolls. Ohstrom then introduced Attorney John Marzocci, who is representing the Village of East Syracuse.

Attorney Marzocci, advised that the Village of East Syracuse has asked that the five parcels be taken off the Town of LaFayette tax rolls per Section 406.3 Property outside corporate limits. He further advised the old water supply system on these properties currently is not used; they are now connected to the County water system; however if any issues come up with water quality from the County they want to keep the old water system as a backup.

Supervisor Ohstrom requested Tax Assessor, Shawn Adam expand on his written response regarding this subject. Adam reported that the Village of East Syracuse has owned these properties for numerous years and entered into an agreement which to date, no one has a copy. Adam has contacted the County who researched and found that in 1971 these properties were on the County Tax roll, coded Utility Section 6 Public Utility, which is taxable. The State determines the value. In 2003 during the Town Re-evaluation determined the value of the lines, water mains, pipes, etc. unchanged, therefore appropriately assessed and should remain the same as the status has not changed. For the Town of LaFayette to absorb that cost does not benefit the Town at all as it would shuffle the tax burden from the Village of East Syracuse to the Town of LaFayette. LaFayette has no public water so why should LaFayette absorb the cost of the water system? He reported that he has spoken with the County Water Authority and was advised that this is still a functioning system. The County is looking for the original agreement. Ohstrom asked Attorney Marzocci if he had the original agreement. He advised that at this time, he did not but will check with Mayor Tackman in trying to locate it and advised that he will be happy to work with Assessor Shawn Adam in getting a copy of the agreement and zero down the terms. Ohstrom advised that when more information becomes available, a more definite decision can be made and this will be revisited at the May Town Board Meeting.

B. Security Quotes for Town Hall for Panic Buttons/Cameras.

Supervisor Ohstrom asked Town Clerk Jackie Roorda to explain the new quotes. She advised that she tallied the amounts for the new simplified quotes from Time Warner Security, Eastern Security and ADT Security with for 3 panic buttons, 2 cameras, a minimum of 2 TB hard drive, recording for one month, purchase and installation costs with prevailing wage, payment upon completion, no sales tax and monthly monitoring fees were reviewed. Councilor Daniel asked for more specific details such as are the cameras infrared, how many Megapixels, etc. Roorda advised that all three companies advised that the cameras were more than adequate for the distance needed and that each were the same quality. She also advised that two of the quotes were just received yesterday as the original request for a minimum of 6TB was more than needed therefore asked for a new quote of 2TB.

Supervisor Ohstrom moved and Evans seconded the motion to move forward and with the 36 month contract with Eastern Security Systems which was the lowest of the three quotes for two security cameras, three panic buttons, 2 TB Hard Drive with 30 day recording, purchase & installation costs, monthly monitoring costs and no sales taxes to be installed at the Town Hall, per their April 11th, 2017 quote. Motion carried 4 in favor, 0 opposed, and 1 abstained.

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

C. Foil request - Supervisor Ohstrom advised that after the March Town Board Meeting he sent a letter to NYS Ag & Markets, copied to Assemblyman Gary Finch and Senator Valesky, requesting a formal Site Plan Review. Also included in the letter was a long list of questions that Attorney Gilligan prepared, including the questions from the Committee in Opposition of the Markland Road Manure Storage Project and as of today there has been no response from any of the parties.

Attorney Gilligan advised that he has prepared a formal FOIL request to Department of Ag and Markets, Department of Conservation; however, he will need a resolution authorizing the Supervisor to sign these FOIL requests. He suggested sending a FOIL request to the Department of Soil & Water would also be helpful. DEC should have annual reports, and documents as far as CAFO information, etc.

Councilor Daniel moved and Evans seconded the motion authorizing Supervisor Ohstrom to sign the formal FOIL Requests as prepared by Attorney Gilligan requesting a Formal Site Plan Review for the Markland Road Manure Storage System Project to the New York State Department of Ag and Markets, Department of Conservation and Onondaga County Soil and Water. 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

Gilligan further advised that a FOIL request technically has to be responded to within 5 days of receipt and due to the nature of the documents requested it will take more than 5 days. Most likely the response will be that they will require 30 days to gather the information. If there is no response, he advised there is a procedure for challenging denied FOIL requests.

Gilligan advised that he is looking at “Earth Justice Lawsuit” legal papers as far as lack of open public review process required by the Clean Water Act and DEC – no enforceable regulations and no advance review of documents prior to legal papers.

6. Open Communications from the Public

A two hour discussion took place regarding the Markland Road Manure Storage Facility. Topics as discussed below:

- Adjusting the maximum weight limit on Markland Road which is currently (5) five ton, with the exception of farm vehicles and local delivery
- Limiting truck delivery times to between 8 am – 5 pm deliveries on ALL town roads however this would impact deliveries of oil, propane, UPS, etc.... Unsure if this would be enforceable on County roads. Kevin to see if we can add a clause for emergency deliveries: i.e. middle of the night fuel delivery
- Should we/could we utilize our contract with the Sheriff’s Dept. to enforce laws/regulations as we have no local town police department; i.e. failure to stay right, speed limit, weight limit, possible enforceable \$500/day fine. Town of LaFayette has no jurisdiction over Ag & Markets.

**Motion made by Supervisor Ohstrom to authorizing Kevin Gilligan to investigate Legal Avenue regarding local deliveries on Town Roads.
Motion Carried 5-0**

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

- Question/Discussion regarding rumors of another possible manure pit on Markland/ Naughton Roads
- Discussion regarding possible moratorium on manure pits/ lagoon giving time to stall construction similar to the Town’s moratorium on Hydro-fracking;
- Items supposed to be done before classifying the Project as Type 2 SEQR; getting multiple citizens and the Environmental Committee involved
- Certified Nutrient management plan adjustments, Fencing around the pit

- Fear of Water contamination in Cardiff area; contacting Honeywell who monitors the water; instability in Cardiff; mudslide; mud boils; geological studies; who will be responsible for potable water; Department of Health involvement
- Earth Justice Lawsuit/lack of open public review process Clean Water Act within the DEC/SPDES; No Advance Review; etc.
- Identify State and Federal DEC maps; Flood Plan; Water Bodies; Wet Lands if any evidence of contamination
- Attorney Joe Heath contact with DEC requiring Archeological, Cultural Assessments on behalf of the Onondaga Nation
- Joint meeting with the Onondaga Nation regarding Sensitive Sites in the vicinity and request digging for artifacts
- Substantial maintenance costs on the town roads; condition recorded before and after; owner operator maintenance agreement for damages their vehicles/equipment cause; grey areas in proof of who damages the roads; applying to the State for money to fix the damaged roads & checking on Grant money available; posted speed limit; right of way; Emergency vehicles traveling on town of LaFayette roads; possible maintenance liens; present speed limit and children playing signs, per Highway Superintendent; Option of a possible tax lien/maintenance lien on property owners if proof they damaged the roads;
- Calling 911, law officials, DEC, etc. when manure spills are over a certain amount of gallons, court fines? Amount of manure spread per acre of crops
- Town of LaFayette residents never notified of the construction of the manure pit; Ag & Markets having no legal obligation to notify the Town, Schools, etc.; for future reference if a similar situation arises, getting notification to the residents; Home rule completely passed by. Should the Town have notified the Residents when Town heard the Manure Facility was being constructed; Town Board being advised there was and is no legal standing and that Ag & Markets overrules any Town Jurisdiction; Town started investigating every legal avenue as soon they were made aware by residents. Unfortunate limited legal steps that the Town of LaFayette has when it comes to this situation or anything regarding Ag and Markets.

Motion made Councilor Evans, seconded by Doug Daniel to authorize Supervisor Ohstrom to sign and support a request from Onondaga Nation archeological and historical review. Motion Carried 5-0

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

Kerry Evans	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

Motion made by Supervisor Ohstrom, seconded by Doug Daniel to have Kevin Gilligan review and draft a local law similar to the Town of Homer Local Law related to manure storage pits. Motion Carried 5-0

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

Motion made by Supervisor Ohstrom, Seconded by Doug Daniel to authorize the town of LaFayette to enter into agreement with Earth Justice Group affiliates regarding the lawsuit vs. DEC. Motion Carried 5-0

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

7. REPORTS

- A. Departmental
 - 1. Town Supervisor

a. Budget Officer Tom Chartrand submitted the Monthly Financial Report for March 2017.

Chartrand reported

Revenue Items to note:

- General Fund NYS Ag & Mk 2015 Grant finally came in
- Highway Fund 1/2 Snow & Ice contract
- Trust and Agency 2016 PILOT Festival Gardens

Expenditures:

- 3 Payrolls for Highway, Library and general Bi-Weekly
- Highway DA5142.1 Snow operations payroll is slightly over budget year to date.

The end of March should be 1/2 of the budget.

- b. Transfer of Appropriations

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

HIGHWAY FUND

To:	DA5130.2	Machinery	Equipment	18,000.00
			TOTAL	<u>18,000.00</u>
				=====
From:	DA9950.0	Transfer to Reserve	Intrafund Transfer	18,000.00
			TOTAL	<u>18,000.00</u>
				=====

c. Motion to accept audit by Town Board of Supervisor's Records for 2016.

Supervisor Ohstrom moved and Evans seconded the motion to accept the audit of the Supervisor's Records for the Year 2016, carried out by the Town Board on March 16th, 2107. 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

d. Budget Officer, Tom Chartrand advised the recently received a letter from the New York State Comptroller's office wherein in early 2017 the NYS and Local Retirement System is launching a new, self-service system Online. Instead of bi-annual, paper contact change process but instead be maintained online. A Contact Administrator and a Security Administrator needs to be assigned and authorization forms completed and returned. He suggested the Town Clerk be the Contact Administrator, which she agreed to do and the Supervisor advised that he will be the Security Administrator.

Councilor Daniel moved and Evans seconded the motion to authorize and appointed Town Clerk, Jackie Roorda as Contact Administrator and Supervisor Ohstrom as Security Administrator for the New York State and Local Retirement System and request they complete the necessary authorization forms as instructed. Motion carried 5 – 0.

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

Councilor Evans moved and Zajac seconded the motion to enter into the Inter-municipal Agreement, between the Town of LaFayette and Town of Pompey for a Town swim program to be held in the summer of 2017 at Cazenovia College and authorize Supervisor Ohstrom to sign the agreement as presented. 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

e. Inter-municipal Agreement for the Swim Program – Chartrand advised that he has the Agreement with the changes and it has been executed by Pompey Town Clerk and needs the Supervisor’s signature as well.

Councilor Evans moved and Zajac seconded the motion to enter into the Inter-municipal Agreement, between the Town of LaFayette and Town of Pompey for a Town swim program to be held in the summer of 2017 at Cazenovia College and authorize Supervisor Ohstrom to sign the agreement as presented. 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. Highway Superintendent John Greeley’s written and verbal report:

PESH – Safety audit: On Monday, April 10th The Department of Labor’s PESH bureau preformed a safety audit at the Highway Garage to seek out potential violations and Health Hazards. With the exception of a few Paper Snafu’s, the highway department passed with flying colors. A special thanks to Tom Rezsnyak for helping keep the Highway safe and compliant!

Highway Committee Mtg.: On Thursday, April 6th, the highway committee met. Topics discussed were: Snow Storm Stella (potential grant), Road work plans for 2017, the 17 year Highway Equipment funding plan, and the need for a new plow truck.

Equipment: As requested last meeting, Deputy Robson and myself created a 17 year Highway Equipment funding plan.

- Plan offers a means to put money in Equipment fund to purchase equipment on a seven year cycle without Bonding – Leasing or purchasing used equipment.
- Offers a means to rotate Park Maintenance truck more frequently and avoids high Maintenance costs and requirement to buy new
- Purchasing Equipment approximately every 7 years allows best resale value and stays within bumper to bumper warranty which cut maintenance costs.
- Purchasing and updating Highway Equipment is ongoing from now and into the future.
- Putting \$60,000.00 dollars annually does not meet the necessary needs of the Highway department for the future as Vehicles and Equipment prices are sky rocketing.
- The average Highway Department in NY puts \$150,000.00 into a Equipment fund. After initial 2017 budget number, the Highway suggests putting \$125,000.00 annually.
- This also includes two remaining Bond payments that are due on 2018 and 2019 respectfully.

Cons of buying other than County Contract;

- Front transfer cases are outsourced at a different factory
- Frames are actually chopped up to fit 4 wheel drive assembly
- Different manufacturer requires more OEM parts and aren't interchangeable which would result in significant maintenance increases
- Western Star's are built in factory including All Wheel Drive.

Cons of Leasing/Lease-Purchase Financing-

- Leasing is not considered a debt- therefore a lease cannot be tax-exempt.
- Also requires bond resolution, with explicit language to enter into a purchase transaction. Cost more money – Bond counsel, lawyers, etc.
- Get feedback from Town Attorney.

A very lengthy discussion followed regarding replacing the back-up plow truck vs. repairing; fleet management and the 17 year plan; equipment fund – long time replacement plan; budgeting correctly & increasing annual equipment fund; proper guidance & better plan to replace equipment; depleting Town Funds to purchase another new truck; funding legally; worry if no back up truck is purchased now and another truck breaks down; ban vs. bond; \$126,630.00 already owed on two previous plow truck purchases; (bond payment will be completed in 2020), and leasing vs. buying, etc. Leon Cook advised that he thinks John should buy another new truck in case another one breaks down and need it for plowing. Budget Officer, Tom Chartrand advised there is \$44,000.00 in the Highway Fund, another \$133,000.00 would have to be transferred from other Town Funds if it is decided to purchase this year. He also advised that none of the other Towns he represents buys a new truck in one year.

Supervisor Ohstrom thanked John and Deputy Steve Robson for the detailed 17 year equipment plan, but that his biggest concern is the cost and the Town budget, not

only now but for the future. He advised that he still is not ready to jump on purchasing this truck at this time and the need to analyze a better plan for next month's meeting.

3. Town Clerk

a. Monthly Report and payment to Supervisor's Account was reviewed.

b. Supervisor Ohstrom moved and Palmer seconded the motion to accept the audit of the Town Clerk's Records for the Year 2016 which was carried out by the Town Board after the meeting on March 16th, 2107. 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

4. Building and Code Enforcement/SPDES

a. Building Permit - Code Enforcement Officer, Ralph Lamson advised that he emailed the updated new Zoning Ordinances to the Town Board and John Langey for their review and he is hopeful that this can get moving forward so the Codification process can be completed soon.

5. Justice Court - 130 - Total cases for Judge Perrin; \$8,519.00 was taken in for the month of February, 2017.

176 - Total cases for Judge Shute; \$13,153.00 was taken in for the month of February, 2017.

6. Library

a. Board of Trustee Minutes and Director's Report for February and March, 2017, were in the Town Board's meeting packet for their review.

b. Dave Prince advised that the renovations of the Library are going well, the carpet and painting are done and the new office for Librarian, Scott Kurshner is done, except for his desk. The only thing left are the renovations for the children's section which should be completed by mid-May.

7. Parks and Rec –

a. Dave Prince advised he has approached the Medical Director who handles the LaFayette Fire Department matters with regard to the AEDs and a required letter of Cooperation for Public Access Defibrillation Site. He will also be overseeing the required training of AEDs for the Town.

B. Committees

1. Agricultural Committee – Councilor Palmer advised that there is nothing new to report as the Markland Road Manure Storage was already discussed in length during the Open Discussion Period.

2. Community Development

3. Emergency Response – Dave Prince reported that he will advise as to the AED training which will be scheduled soon.

4. Employee Policies & Benefits

5. Environmental & Conservation Advisory Board

6. Highway

7. Recreation & Youth/LCC - Dave Prince advised the winter sports are ending. Sign up for baseball and lacrosse are looking like the numbers are okay and the swim program agreement has been updated.

8. Safety & Facility

9. School District Liaisons

10. Service Awards

11. SOTS & OCRRA Liaison

12. Solar – Ralph Lamson advised that the update is included in the Zoning Ordinance information that he sent to John Langey and the Town Board.

8. TOWN ATTORNEY/LITIGATION & OTHER LEGAL MATTERS

9. NEW BUSINESS

a. Councilor Daniel read a letter addressed to the Town Board from resident, Martin Ossenberg. Subject: Petition to disallow construction of manure & waste water earthen dike storage lagoons from CAFO’s located outside the Town boundary and listed his concerns for the “public health and safety” to the town residents.

10. EXECUTIVE SESSION – None required

11. Motion to audit and pay bills.

General Fund	10748-10783	\$ 45,115.85
Highway Fund	10784-10797	\$ 39,586.85

Councilor Palmer moved and Zajac seconded the motion to audit and pay the above listed bills. 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

12. Motion to adjourn.

Supervisor Ohstrom moved Daniel and seconded the motion to adjourn the meeting. 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

The Town Board Meeting was adjourned at 10:22 p.m.

Respectfully submitted,

Jacqueline G. Roorda, Town Clerk