

August 8, 2017 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on August 8th, 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: Doug Daniel, Supervisor
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
David Prince, LCC, Parks, Library
David Knapp, County Legislature
Mark Chambers & Matt Walker, C&S Companies
Residents: Stephen Pitoniak,
Herbie & Rosemarie Brodt,
Martin Ossenberg, Jason Herlihy,
Mark & Melissa Shermeta
and Albert Nurse

1. Supervisor Daniel 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 Zajac.
3. The Town Clerk, Jackie Roorda took the Roll. All present.
4. Town Board Minutes of July 11th, 2017 Regular Meeting.

**Councilor Zajac moved and Evans seconded the motion to accept the July 11th, 2017 regular meeting minutes as submitted by Town Clerk, Jackie Roorda.
Motion carried 4 -0.**

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

6. Communications

A. Jason Herlihy of Herlihy Smokehouse is requesting the Town's approval for him to set up his tow behind smoker in the parking lot of Stafford Park 1 - 2 times per week to sell his BBQ items. He provided a copy of his permit from Dept. of Health

permit, explained it will be carry-in/carry-out, and possible donation to a Town organization was discussed.

Supervisor Daniel moved and Evans seconded the motion to allow Jason Herlihy of Herlihy Smokehouse to set up and sell his BBQ on weekends at Stafford Park in the parking lot near the tennis courts upon completion of a peddler’s permit, certificate of insurance and a copy of the Dept. of Health permit.

Motion carried 4 -0.

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

B. Verizon/Groth Road Tower Agreement – discussion regarding the negotiation of the Agreement took place, focusing on the \$5,000.00 bonus that Crescendo would be receiving and questioning if the Town of LaFayette is entitled to 50% of the bonus. Discussion regarding original lease agreement, sharing of signing bonus, consequence or possibility of losing Verizon lease if demanding the \$2,500.00 portion of the bonus, lease subject to permissive referendum took place.

Councilor Evans moved and Palmer seconded the motion approving the lease with Verizon and authorizing the Supervisor to sign the lease agreement with Verizon, subject to permissive referendum and not waiving of the 50% sign on bonus.
Motion carried 4 -0.

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

Attorney Gilligan will advise Ken Saverin that the Town Board is not waiving 50% of the \$5,000.00 sign on bonus.

C. Morezak Road Abandonment – Attorney Gilligan advised that Assessor Shawn Adam estimates the value of the unused portion of the road at \$1,200.00 Gilligan suggests that the Town approved conveyance of the southern portion of the unbuilt paper street, known as Morezak Road, to Mark Schaub at the cost of \$1,200, subject to permissive referendum.

Councilor Palmer questioned, what about other neighbors, what if they are landlocked? Gilligan advised that he has been assured that no one will be landlocked. Mark Shermeta introduced himself advising that in the 1960s his parents bought property, which a portion of their land is only accessible from Morezak Road and questioned if he or others could purchase the property in question. Melissa Shermeta advised that in the fall of 2005 they attended several meetings regarding Morezak Road and suggested the notes from those meetings be reviewed. Bud Nurse advised that he farms land that

require Morezak Road as access to the fields and was given permission by Ruth Colvin for life access and is not sure why the Town cannot maintain the road now.

Gilligan advised that it was difficult to see on tax maps and that he was assured that no landowners would be landlocked and would have access to their property. Since this does not appear to be the case, the plug needs to be pulled on the abandonment. He will let Superintendent John Greeley know that there are adjacent land owners that will not be able to access their property if that portion of Morezak Road is abandoned by the Town.

Dave Knapp told the Board that he will be happy to have Onondaga County print off a large map of the whole area and will drop it off to the Town Clerk's office for those interested to look at.

D. Professional Services Proposal C & S, Companies – Mark Chambers advised that he was asked back in July, by the Highway Superintendent to assess the damages done as a result of the July 1st, storm. They did an assessment of the amount of damage, scope to work that needs to be done to repair the damage. The cost for this assessment is \$950.00, however this is just a portion of the costs. This should qualify for FEMA reimbursement. Chambers also discussed FEMA mitigating to assist with the flow upstream/downstream; the need for each damaged site needing engineering upstream/downstream and construction certification to go back to FEMA.

Legislator Dave Knapp gave an update advising the good news that with the various counties is way over the 1.6 million dollar threshold. It is more like 26-27 million and advised that FEMA is actually scheduling site checks and walk throws to look at the damages.

Councilor Zajac moved and Evans seconded the motion to accept and approve the Proposal by C & S Companies for Professional Services with assessment and pricing for storm damage repair for the July 1, 2017 storm in the amount of \$950.00 and authorize the Supervisor to sign the proposal. Motion carried 4 -0.

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

7. OPEN COMMUNICATIONS FROM THE PUBLIC – Supervisor Daniel asked if anyone other than the RAMPS group had anything to discuss first. He also advised that Public Communications will be held to a 5 minute per person time frame in order per Town Board Meeting, policy and procedures.

A. Resident Steve Pitoniak advised that he had damage from the July 1st storm near his home on Holcomb Hill Road and Deer Run Road where in the storm washed a lot of debris, plugging drainage culverts and he is hoping to get it cleaned out since it is a public culvert. Supervisor Daniel deferred this matter to the Highway Superintendent. Mark Chambers advised that he will get this information to Highway Superintendent Greeley for further assessment of Holcomb Hill and Deer Run Road damages.

Supervisor Daniel asked Mr. Pitoniac if he had any other concerns and he voiced concern of the BBQ trailer and smoke consideration for neighbors near Stafford Park. Supervisor Daniel advised that this is a test run/prototype, there shouldn't be too much smoke and we will basically see how it goes and if any other concerns arise.

B. Martin Ossenberg a member of R.A.M.P.S. addressed the Town Board questioning if the Town followed up in getting a building permit from the farmer on Markland Road for the Manure Storage Pit and did the Town Board issue a stop work order to him. Martin voiced that he believes the Town Board has authority over the Code Enforcer. Supervisor Daniel advised the Town Board is not able or authorized to issue a stop order.

Supervisor Daniel asked if anyone else had anything to say.

C. Bruce Nurse advised that he is a farmer and realizes that throughout NYS manure storage pits have proved beneficial as far as less traffic, less mess, manure is applied at proper times with proper conditions.

D. Dan Ramin advised that he came in late to the meeting and questioned if there have been studies done in case of emergencies such as the recent storms. Supervisor Daniel advised that Ag and Markets, Soil and Water, DEC are all involved, the pit itself was designed by an engineer and the Town of LaFayette are not entitled to any information as Ag and Markets overrules Local Laws. He further advised that the Town has foiled all the involved agencies in an attempt to get as much information to the residents and actually recently adopted a local law regarding site plan approval for these facilities. Ramin thanked the Town Board stating, it appears that you have done your due diligence with this matter.

Attorney Gilligan advised that Earth Justice brought a case against DEC and LaFayette joined as an amicus party in support of the River Keepers which hearing date should be sometime in September.

Supervisor Daniel replied that there are ongoing efforts looking into this as well. He then asked if there are any others that would like to speak. No one else spoke therefore, Supervisor Daniel closed that Public Comment portion of the meeting.

8. REPORTS

1. Town Supervisor

a. Budget Officer Tom Chartrand submitted the Monthly Financial Report. The mortgage tax is 33,000, 51% more than budget; a \$214,000.00 payment was made on the Highway Garage and we are in good shape with the General Fund is in good shape with 52% of spending for the year. Budget season is approaching and he will be sending out budget forms to the department heads at the end of August, therefore the budget workshop meeting times will need to be set.

Supervisor Daniel moved and Palmer seconded the motion to set the October 3rd, 2017 at 5:30 PM; October 10th, 2017 at 5:30 PM and October 24th, 2017 at 5:30 PM

as the budget workshop dates and times for the 2018 Town of LaFayette Budget and authorize Town Clerk, Jackie Roorda to post in the official newspaper, website, Town Hall and Post Office.

Tom Chartrand also advised that a motion for the Supervisor's signature for the grant application for the Youth Recreational Grant needs to be made.

Councilor Evans moved and Palmer seconded the motion authorizing the Supervisor to sign the application for the 2016 Youth Recreation Grant application in the amount of \$518.00. Motion carried 4 -0.

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

2. Superintendent Report – Highway Superintendent Greeley not in attendance however submitted a written report.

Roads- Still working with Supervision and C&S Engineering to address issues with the July storms.

Mowing Ops being performed - some surface treating performed, more surface treating will be completed on August 21st.

Brush pick up will take place later in August and September.

Equipment – Cat skid steer is at Beck's Equipment. Waiting for three options for repair. Used extensively during storms. Needs tracks and Bogy wheels... Will wait on quotes. Repair costs may be reimbursed by FEMA....

Morezak Road – Town Attorney will address. (Previously addressed in Communications portion of meeting)

3. Town Clerk

a. Monthly Report - Roorda advised that the Town Clerk July Monthly Report was in the Town Board's packet for their review.

b. Roorda advised that the VFW has submitted their annual liquor license information to the Town for our records.

4. Assessor – No Report

5. Building & Zoning Code Enforcement / SPDES –

a. Ralph Lamson submitted the July Building Permit Report.

b. Lamson advised that Green Thumb Markets has a court date of August 23rd, 2017 and hopefully everything will be cleaned up by that date.

6. Dog Control – No Report

7. Justice Court

- 71 Total cases for Judge Perrin; \$5,043.50 taken in for the month of June, 2017.
- 114 Total cases for Judge Shute; \$10,657.00 taken in for the month of June, 2017.

8. Library Director – No Director’s Report as they do not meet in July. Dave Prince reported that the Summer Reading Program was very successful with great attendance.

9. Parks & Recreation - David Prince advised that the wild parsnip is under control and that Kaleb Gretskey is his summer helper’s last day on the job is tomorrow. He advised that they were able to complete a lot of projects and he was a very helpful employee. Hopefully he will be available next year and can start earlier in the season as a college student, he will get done sooner.

10. Tax Collector – No Report

B. COMMITTEES

1. Employee Policies and Benefits

2. Recreation and Youth - Prince advised that it is a quiet time for LCC; soccer registration will be September 9th; and Tina Knapp, the adult exercising instructor is retiring therefore they have recruited WERO Yoga for two nights a week at Grimshaw.

3. School District Liaisons.

4. SOTS & OCRRA – Budget Officer Tom Chartrand advised that the committee is just starting to work on the new 3 year contract. The rates will increase significantly, however will still be lower than what they were 15 years ago.

5. Service Awards – Supervisor Daniel advised that there is a meeting Thursday evening at 6:00 PM regarding this at the Town Hall.

C. TOWN ATTORNEY/LITIGATION & OTHER LEGAL MATTERS

1. Attorney Gilligan asked if the Board wishes that he review the information regarding River Keepers. Supervisor Daniel replied to hold off until we hear back from Senator Valesky.

2. Old Highway Garage demolition – Supervisor Daniel advised that the agreement for the demolition with Diversified Construction Services is signed. Attorney Gilligan advised that Mark Chambers of C&S Companies is handling this matter. David Knapp reported that they are waiting on the amount that Onondaga County has determined for reimbursement of the demolition.

D. NEW BUSINESS:

1. Dave Knapp advised the Apple Festival is 60 days away and he has completed the Mass Gathering Permit accompanied with all the necessary paperwork for the Town Board’s approval and requested the application fee be waived as in previous years.

Supervisor Daniel moved and Evans seconded the motion to approve the mass gathering permit application and waive the permit fees for the 2017 LaFayette Apple Festival to be held Columbus Weekend, subject to the review of the Code Enforcement Officer. Motion carried 4 -0.

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

2. Supervisor Daniel advised that he would like to purchase a new computer capped at \$980.00 and that Highway Supervisor Greeley would like to take the computer that is in the Supervisor’s Office. Since the amount is under \$1,000.00, no other action is required.

10. Motion to audit and pay bills.

General Fund	11269-11303	\$ 40,029.58
Highway Fund	11304-11322	\$228,408.60
Special District	11324-11326	\$ 43,788.42
Trust & Agency	11327-11328	\$ 376.25

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

Doug Daniel	Councilor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Kerry Evans	Councilor	Voted	Yes

11. Motion to adjourn.

Supervisor Daniel moved and Palmer seconded the motion to adjourn the Meeting. Motion carried 4 -0.

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

Meeting adjourned at 8:14 pm.

Respectfully Submitted,

Jacqueline G. Roorda
LaFayette Town Clerk