

## July 10th, 2018 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on July 10th, 2018 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: Daniel Fitzpatrick, Supervisor  
Steve Zajac, Councilor  
Melanie Palmer, Councilor  
Carole Dwyer, Councilor  
Michael Johnson, Councilor

Recording Secretary: Jackie Bush Roorda, Town Clerk

Attorney: Kevin Gilligan  
Budget Officer: Tom Chartrand

Others Present:

David Knapp, County Legislator  
Dave Prince, Parks & Rec, LCC, Library  
John Greeley, Highway Superintendent  
Mark Chambers, C & S Companies  
Kristin Colburn, Deputy Town Clerk  
Nancy & John Mueller  
Rosemary & Herb Brodt  
Jeff Murray  
Doug Kantz  
Vernon O'Donnell  
Shane Miller  
Stephen Pitoniak  
Dan & Lori Ramin  
Martin Ossenburg

1. Supervisor Fitzpatrick called the meeting to order at 7:00 PM and welcomed all in attendance.
2. Pledge to our U.S. Flag was led by Supervisor Fitzpatrick.
3. The Town Clerk, Jackie Roorda took the Roll. All Town Board members present.
4. The Town Board Minutes of June 12<sup>th</sup>, 2018.

**Councilor Johnson moved and Palmer seconded the motion to accept the June 12<sup>th</sup>, 2018 Meeting Minutes as submitted by Town Clerk Jackie Bush Roorda. Motion carried 5 – 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

## 5. PUBLIC HEARING

### A. Local Law C-2018 – Site Plan Review/Manure Storage Facilities

**Councilor Johnson moved and Dwyer seconded the motion to open the Public Hearing regarding proposed Local Law C-2018. Motion carried 5 – 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

Supervisor Fitzpatrick opened the Public Hearing for discussion with regard to Proposed Local Law C-2018.

Discussions: Martin Ossenberg introduced himself, handed the Board members and Town Clerk his written concerns and read them aloud. His concerns were in Definitions, small farm operations are not addressed; Site Plan Application fails to also reference the USDA as the agency setting the construction standards; in Review Procedures there is no provision to allow public participation and no provision to control use of the facility not to become a transfer station for the waste.

Herb Brodt restated the occurrence of a manure spill on Markland Road complimenting Mike Griep and the Griswalds for the quick and extremely well done clean-up of the spill and for the tour they gave them of their farm. He also commented that it is good to be communicating with them.

Steve Pitoniak concurred with Martin and commented that until recently the Town there was nothing the Town could do with regard to site plan. He wants to be sure the Town puts out Public Notice whenever application for Manure Storage Facility. Steve also wanted to reiterate that he was on the tour of the Griswald Farm and a lot of positive things have come from these efforts.

County Legislator David Knapp complimented the Town Board, the County Soil and Water Department and everyone else involved, saying that the whole process has resulted in many positive changes. Applications for manure storage facilities now have to go before the Town Board, no other towns have that in place. Onondaga County Soil and Water's policy reinforces that the landowner has to come to the Town to inform them of proposed manure pit construction, and they are also involved with the

placement, size and location of manure lagoons. There definitely have been a lot of positive changes regarding manure lagoons.

Supervisor Fitzpatrick asked if anyone else had any comments, none were voiced.

**Councilor Dwyer moved and Fitzpatrick seconded the motion to close the Public Hearing regarding proposed Local Law C-2018. Motion carried 5 – 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

## 6. COMMUNICATIONS

### A. Sale of former Ropes Course, Apulia Road

Supervisor Fitzpatrick advised that four offers to purchase were received with the highest bid of \$30,500.00 which was received from Kenny Griffin, subject to permissive referendum. Attorney Gilligan added that the purchase is contingent on no survey, no abstract, no environmental assessments, no conditions and no other requirements. Gilligan will send Mr. Griffin a letter explaining that a he must receive a deposit in the amount of \$1,000.00 with his attorney's approval, within 7 business days of his letter. Shane Miller asked if he could increase his offer to purchase the property. Fitzpatrick commented there was no deadline put on this, the process was not followed properly and asked Attorney Gilligan for his opinion. Gilligan advised that he would not feel comfortable with that. Councilor Dwyer suggested leaving it open for a couple more weeks. Fitzpatrick commented that he was advised not to put a deadline so not to look like a bid was taking place. Attorney Gilligan advised that since there were no guidelines, the question is up to the Town Board to extend or accept the offer moving forward. The offer would be subject to permissive referendum, the \$1,000.00 deposit and buyer's attorney's approval.

**Councilor Dwyer moved and Fitzpatrick seconded the motion to accept the purchase offer for the former ropes course with no survey and abstract from Ken Griffin in the amount of \$30,500.00; subject to permissive referendum and buyer must provide a \$1,000.00 deposit with buyer's attorney's approval no later than 7 business days of dated letter by Attorney Kevin Gilligan. Motion carried 4 in favor, 0 opposed and one abstained.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Abstained</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

B. Purchase of the property and home at 2873 US Route 11 North

Attorney Gilligan advised that he has received the signed documents from the seller, the check from the Optimist Club has been deposited in the bank, the permissive referendum took place and the affidavit signed by the Town Clerk is on file stating that there have been no objections. There is no evidence of environmental issues per the Phase I Environment Site Assessments done by C & S Companies therefore the next step will be to move forward with the SEQR process.

**Councilor Johnson moved and Fitzpatrick seconded the motion to move forward with the SEQR process for the property located at 2873 US Route 11, LaFayette. Motion carried 4 in favor, 0 opposed and 1 abstained.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Abstained</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

Attorney Gilligan handed out the Short Environmental Assessment forms to the members of the Board reading through each part with regard to the Puttkamer residence and detached pole barn at 2873 US Route 11 as the Board members answered each question. The Town Board will act as lead agency, no other agency is involved, a negative declaration based on the environmental assessment.

**Supervisor Fitzpatrick moved and Zajac seconded the motion declaring the Town Board to act as lead agency, no other agency is involved, resulting in a negative declaration that the proposed action will not result in any significant adverse environmental impact at the property located at 2873 US Route 11, LaFayette. Motion carried 4 in favor, 0 opposed and 1 abstained.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Abstained</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

C. Discussion regarding hiring a grant writer. Supervisor Fitzpatrick commented that he would like the Board to consider hiring Leann West of Strategic Development Specialists to apply for Park Development grant money from State and Federal to recoup money from the contingent account that was used for the purchase of the Puttkamer property. Discussion included needed to hire her before she investigations, additional funding to develop the property, possible community center at the location, classification Park vs. non-park; estimated fee for this is \$10,000, hiring one project at a time and if successful may want to hire again the future, setting a cap on the amount estimated to come from the reserve for buildings fund.

**Councilor Zajac moved and Johnson seconded the motion authorizing Supervisor Fitzpatrick to sign the agreement with Leann West of Strategic Development Specialists to apply for grant money and authorize of up to \$10,000 from the building reserve fund for this. Motion carried 5 – 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

D. Groth Road Tower Amendment to the lease. Gilligan advised that Crescendo requested that we hold off until next month.

**7. REPORTS**

**A. Departmental**

1. Town Supervisor’s Monthly report was submitted by Budget Officer Tom Chartrand advised that the budget is approximately \$7,500 to the positive. This is as a result of interest penalties on taxes was down \$1,500, tower money and this was the first month for NYClass investment pooling fund. He also advised that he had to make some changes to the transfer sheet as Highway Superintendent Greeley advised the cost to clean up some of the leftover drums from the old highway garage oil was higher than expected.

**Councilor Palmer moved and Fitzpatrick seconded the motion to approve the transfer of appropriations as listed below. Motion carried 5 – 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

**GENERAL FUND**

To:

A3310.4	Traffic Control	Contractual	<u>\$ 500.00</u>
A8090.4	Environmental Control	Contractual	\$2,500.00
		<b>TOTAL</b>	<u><b>\$3,000.00</b></u>

From:

A1990.4	Contingent	Contractual	<u>\$3,000.00</u>
		<b>TOTAL</b>	<u><b>\$3,000.00</b></u>

2. Highway written report submitted and read by John Greeley.

**Equipment:** The Grader was listed on Auctions for the past 30 days. Currently the high bid is over \$4,000.00. Auction ends at 7:00pm. I should have final bid in real-time... (Reserve was set at \$5,000.00)

**Roads:** The Highway Department is currently paving roads – Hauling grindings – and working with other Municipalities hauling stone and B/T. Surface treating of Town roads will begin July 16 & 17.

Then he passed out a picture the leftover drums from the “old” Highway Garage that he got rid of them.

Greeley advised that Auction International is winding down and the highest bid on the grader is \$4,600, reserve was at \$5,000. Greeley is going to reach out to Auctions International to change the bid. Per the Board, Greeley needs to advise high bidder to contact Auctions International to increase bid to 5k. He also reported that the inspection at the landfill by DEC representative and engineer went well, there are no issues of concern.

3. Town Clerk

a. Monthly Report for June, 2018 and payment to Supervisor’s Account were in packet for Town Board review.

b. Town Clerk, Jackie Roorda reported that she really didn’t have anything of significance to report to the Board at this time.

4. Building and Code Enforcement – Code Enforcement Officer Ralph Lamson provided the report for building permits issued so far for 2018.

5. Justice Court

a. Justices Monthly report for May 2018

65 - Total cases for Judge Perrin; \$5,606.00 was taken in for the month of May, 2018.

130 - Total cases for Judge Shute; \$8,056.00.00 was taken in for the month of May, 2018.

b. The April 2018 checklist for the monthly review/audit of the Justice Court records for Justice Perrin and Justice Shute were in packets for the Town Board’s review. Supervisor Fitzpatrick asked if there are any comments, questions or concerns regarding these and none were spoken.

6. Library - Dave Prince reported that they are still working on the replacement sign for in front of the building.

7. LCC/Parks & Rec – Dave Prince reported that lacrosse season is winding down, makeup games to be scheduled, Ultimate Goal soccer camp is happening soon, as well as the one day all sports camp is scheduled for August 6<sup>th</sup>, hopefully next year that can go for a whole week. The County Grant paperwork has been submitted.

Prince questioned the rental of the pavilion at Vinegar Hill Park, advised that high school and college kids use the lacrosse box however he is not sure when they are there.

Prince also reported that he has been contacted by Dollar General regarding the trailer that sits in their parking lot for fundraising by the collection of bottles and cans. The owners that lease the property to Dollar General have asked that the trailer be removed from their parking lot. Lisa Kurtz coordinates the different organizations that use the trailer. They are looking for an alternate location to place the trailer and they were hoping to put it at the old highway garage site. Attorney Gilligan advised that they should not be inviting individuals to a site that DEC has an issue with. Other suggestions were the Stafford Park parking lot and the parking lot behind the Town Offices, however that would have to be cleared with Vince Maher as he owns the building next door and share the parking lot with.

B. Committees - No committee reports were presented.

## 9. LEGAL MATTERS/ATTORNEY/LITIGATION

A. Dunn and Sgromo Engineers. Attorney Gilligan asked the Town Board to consider accepting \$2,000 instead of the \$3,581.75 for work performed with regard to the FEMA/flood damage from the July 2017 storms.

**Supervisor Fitzpatrick moved and Johnson seconded the motion to approve the payment of \$2,000.00 to Dunn & Sgromo for services rendered regarding the 2017 July storm damage. Motion carried 5 - 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

B. Modification of Agreement/Puttkamer Property

**Supervisor Fitzpatrick moved and Dwyer seconded the motion to ratify the agreement to purchase the Puttkamer property as modified to include that \$98,500 comes from the Town of LaFayette and \$13,100 comes from the LaFayette Optimist Club. Motion carried 5 - 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Ye</b>

C. Action of CAFO Law/Local Law 2-1018

Attorney Gilligan advised that Onondaga County Planning Board disapproved the application saying it is too restrictive of farming law. In light of the April 25, 2018 letter from Ag and Markets the Town Board feels the concerns of Onondaga County have already been addressed and there are no issues of the Town Boards concern.

**Councilor Johnson moved and Fitzpatrick seconded the motion to override the resolution, dated July 3, 2018 of Onondaga County Planning Board with regard to this matter. Motion carried 4 in favor, 0 opposed and 1 abstained.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Abstained</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

**TOWN OF LAFAYETTE  
TOWN BOARD RESOLUTION**

**July 10, 2018**

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2018, “A Local Law to Amend the 1970 Zoning Ordinance of the Town of LaFayette to Add Provisions Governing Site Plan Review for Manure Storage Facilities Associated with Concentrated Animal Feeding Operations (CAFOs) and to Repeal Local Law No. 2-2017 which Related to the Same Subject Matter,” was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on June 12, 2018; and

**WHEREAS**, a public hearing was held on such proposed local law on July 10, 2018, 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 Law of the State of New York; and

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

**WHEREAS**, on June 12, 2018 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. C-2018 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under State Environmental Quality Review Act; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. C-2018.

**NOW, THEREFORE**, it is

**RESOLVED** that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. C-2018 as Local Law No. 2-2018 as follows:

**“TOWN OF LAFAYETTE  
PROPOSED LOCAL LAW 2-2018**

**A LOCAL LAW TO AMEND THE 1970 ZONING ORDINANCE OF THE TOWN OF  
LAFAYETTE TO ADD PROVISIONS GOVERNING SITE PLAN REVIEW FOR  
MANURE STORAGE FACILITIES ASSOCIATED WITH CONCENTRATED ANIMAL  
FEEDING OPERATIONS (CAFOs) AND TO REPEAL LOCAL LAW NO. 2-2017  
WHICH RELATED TO THE SAME SUBJECT MATTER**

Be it enacted by the Town Board of the Town of LaFayette as follows:

**SECTION 1.     LEGISLATIVE PURPOSE AND INTENT**

The purpose of this Local Law is to review the location, construction, installation, operation, use and abandonment of manure storage facilities for Concentrated Animal Feeding Operations (CAFOs) in order to prevent water pollution and other environmental impacts and thereby protect the health of the residents of the Town of LaFayette, and promote the prosperity and general welfare of the residents of the Town of LaFayette. The Town Board understands that from time-to-time, local farmers require the ability to store large quantities of manure in order to

fertilize crops and carry out other farming operations in an efficient and economical manner. Nonetheless, the Town Board finds that manure storage facilities can be a potential threat to the health, safety and welfare of Town residents and the surrounding environment. The Town Board further finds that, despite the existence of State and Federal regulations, which set detailed performance standards for the construction and maintenance of such facilities, some measure of local oversight is required in order to ensure the transparency of the process surrounding the permitting, construction and expansion of these facilities.

**SECTION 2. AUTHORITY**

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 3. REPEAL OF LOCAL LAW NO. 2-2017**

Local Law No. 2-2017, “A Local Law to Amend the 1970 Zoning Ordinance of the Town of LaFayette to Create Site Plan Review Regulations for Liquid Manure Storage Facilities” is hereby repealed.

**SECTION 4. DEFINITIONS**

Article VIII, Section B (“Particular Definition”) of The 1970 Zoning Ordinance of the Town of LaFayette is hereby amended to add the following definitions:

**ANIMAL MANURE** – Excrete from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal manure handling operations.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** – An operation that confines animals on a site for more than forty-five (45) days per year, where feed is brought onsite. Medium and Large CAFOs as defined by the New York State Department of Environmental Conservation (“DEC”) in 6 NYCRR 750-1.2 shall be subject to the provisions of Article III(D) of the 1970 Zoning Ordinance of the Town of LaFayette.

**MANURE STORAGE FACILITY** – A facility constructed as an accessory use to an animal husbandry use, riding stable, or kennel, to collect, hold, process, store, treat, or distribute solid and liquid animal waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, and collection systems intended to handle animal waste solids and liquids, food processing, and CAFOs. Not included within this definition are systems designed and construed to handle human waste.

**SECTION 5. AMENDMENT OF ARTICLE III OF THE 1970 ZONING ORDINANCE OF THE TOWN OF LAFAYETTE TO ADD NEW PROVISIONS GOVERNING CONTROLLED SITE REVIEW FOR MANURE STORAGE FACILITIES**

Article III of the 1970 Zoning Ordinance of the Town of LaFayette is hereby amended to add a new Section D “Controlled Site Review for Manure Storage Facilities” as follows:

**“SECTION D. CONTROLLED SITE REVIEW FOR MANURE**

## **STORAGE FACILITIES**

### **1. REGULATED ACTIVITIES**

- a) Any person who designs, constructs, installs, reconstructs, enlarges, a manure storage facility for a CAFO, or employs another person to do the same, on land in the Town of LaFayette shall be subject to the provisions of this Section.
- b) No manure storage facility, or addition to an existing manure storage facility for a CAFO shall be constructed, installed, reconstructed, or enlarged prior to receiving controlled site review by the Town of LaFayette Planning Board.

### **2. SITE PLAN APPLICATION**

The applicant for controlled site review shall submit the following:

- a) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
- b) Show the existing features, of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
- c) Show the proposed location and arrangement of buildings; and uses on the site, including means of ingress and egress.
- d) Show the proposed location and arrangement of livestock containment areas or manure storage/manure composite sites.
- e) Sketch of any proposed building manure storage facilities structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
- f) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to, accommodate the changes.
- g) Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- h) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the, floodplain map and wetland map that corresponds, with the boundaries of the property.

- i) The applicant shall submit a copy of all plans, drawings or other documentation as may be required by the DEC or EPA for the manure storage facility.
- j) The number, kinds and weights of animals for which storage is provided and the duration for which storage is to be provided. Storage volume computations and the storage facility volume shall be provided.
- k) The structural details, load assumptions, design computations, dimensions, cross sections, concrete thickness, reinforcing steel to be used, and facility elevations. The construction and material specifications including, but not limited to, applicable specifications for earthen fill quantities and soil types, excavation quantities and soil types, timber and pipes for the proposed manure storage facility.
- l) The location of any existing well within three hundred feet (300') of the facility.
- m) The soil test pit locations and soil descriptions to a depth of at least five feet (5') below the planned bottom of the facility. Surface elevation of soil test pits shall be provided. Also results of any laboratory tests performed on the soils shall be provided.
- n) The elevation of high ground water level or bedrock if encountered in the soil profile and the date of any such determinations.
- o) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. The applicant shall show the location and distance of any surface flow path, well head, spring, or sinkhole within three hundred feet (300') of the facility.
- p) A time schedule for construction of the facility.
- q) A description of the method and materials proposed in transferring manure into and from the facility.
- r) All CAFOs shall provide an operation and maintenance plan, operating safety provisions and details of the manure transfer system, including, but not limited to, material quality.
- s) All CAFOs shall provide the type of fencing and signage to be used around the facility.
- t) Application form and fee (if required).

### **3. CONTROLLED SITE REVIEW PROCEDURES**

- a) The applicant must submit a complete application and fee.
- b) The Town Codes Enforcement Officer shall make a determination whether the application is complete within seven (7) days of submission.

If the application is complete, the applicant may be placed on the Town Planning Board agenda for formal review.

- c) The Planning Board shall complete the review of the plan and application within forty-five (45) days of the submission of a complete application.

**4. INSPECTIONS/ENFORCEMENT**

- a) The Code Enforcement Officer of the Town of LaFayette may conduct onsite inspections until such time that the controlled site review and construction process is completed.

**5. ABANDONMENT**

- a) The applicant shall submit to the Town a copy of the documents that the CAFO supplies to the New York State Department of Environmental Conservation for abandonment of a manure storage facility.

**6. PENALTIES**

- a) The owner of any such facility who commits or permits any acts in violation of any of the provisions of this Section or fails to comply with the provisions thereof shall be deemed to have committed an offense against such Section and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- b) For every violation of any provision of this Section, the person violating the same shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars and/or fifteen (15) days in jail for each such offense. Such penalties shall be collectable by and in the name of the Town for each day that such violations shall continue.”

**SECTION 6. SEVERABILITY**

If the provisions of any section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 7. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.”

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

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Abstained</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted. **DATED: July 10, 2018**

## 8. NEW BUSINESS

A. Supervisor Fitzpatrick reported that they have had some very positive meetings with the Fire Department with positive results. They did get a little behind and weren't quite ready however they intend to submit all their report with their representative next month. Dave Knapp advised that monthly meetings and financial updates are going to be a positive thing. They have been very helpful and due to more information. They have agreed to use the Town fueling station instead of credit card fill ups which a very positive and big step forward with the continued positive relationship with the Town.

B. Supervisor Fitzpatrick advised that LaFayette is the first Town in the State to oppose New York State new requirements mandating that certain public projects and procurements require a minimum level of subcontracting be placed with certified Minority Business Enterprises and Women-owned Business Enterprises (MWBE's), . He received a letter from the State Senate requesting him to testify at the Public Hearing next week regarding the impacts the change will have on Towns like LaFayette. It is a positive for the Town that the Association of Towns selected him as the Supervisor to serve on the committee and he will be reporting all the Towns input to the County regarding this. He thanked the Board for their support on this matter

C. Lastly, Knapp discussed the proposed high voltage Power Line expansion that will go from Binghamton to Sentinel Heights is currently on hold for at least a minimum of one year, possibly indefinitely.

## 10. OPEN COMMUNICATIONS

Resident Nancy Mueller introduced herself, giving her address as 2570 Webb Road advised that she has a concerns regarding the huge pile of millings from the Route 81 paving project that Suite-Kote has been piling on Route 20. The pile of millings have become a 30' huge wall which backs up within 5' to 10' of her property.

Points of concerns expressed by Nancy & John Mueller, Dan & Lori Ramin

- \*Illegal activity violating Town Laws/Commercial business in Agricultural/Residential zoned district
- \*What Official made the decision to allow this in LaFayette
- \* No determination was made by any Town official since no one made application to the Town or asked for Town approval of this situation

- \* Verbal complaint to Code Enforcer not responded to resident
- \* Why is the Town Board letting this practice continue now that they are aware?
- \* Town Board taking control and enforcing the Laws of the Town
- \* Code Enforcer out of Town & questions regarding Deputy Code Enforcer to handle complaints
- \* Most recent communication with Supervisor advised that Code Enforcer is aware of situation and will handle it when he returns
- \* Code Enforcement makes determination regarding these situations, the Town Board does not have power over the Code Enforcement Officer per attorney
- \* FOIL request to DEC revealed a 2 year lease agreement between Suite-Kote and Shute's Water Systems;
- \* DEC advised this is not their business, so long as Suite-Kote proves material is being reused/recycled
- \* Suite-Kote dumping millings around town, giving millings away & possibly selling them which is commercial business, not allowed in Agricultural/Residential zoned area
- \* Future possible pug mill on site to manufacture asphalt
  
- \* Environmental hazards discussed:
  - SEQR not done
  - Concern of rain pushing fine particles into wells, etc.
  - This should have fallen under Stormwater regulations/pile of millings is larger than 1 acre area
- \* Approaching the Zoning Board of Appeals, however since no decision or determination has been made by the Code Enforcement Officer there is no appeal to be filed
- \* Is this going void an Article #38 as it needs to be filed within 30 days of decision ... Answer being 'No" since no decision has been made by the Code Enforcement Officer and it needs to be in writing, not a verbal decision and nothing has been filed
- \* Landowner liable for illegal use of property in Ag/Res district
- \* Waiting until Code Enforcement Officer returns, then let him assess and determine if any action and needs to be taken

After the above discussions, Supervisor Fitzpatrick advised that he will request a report from Code Enforcement Officer Ralph Lamson, no later than the end of the month.

Mueller also commented that she is aware that the Supervisor is trying to be more transparent however is concerned if his personal Gmail account goes into public record. Fitzpatrick advised that he had access on his phone to the Supervisor's town email until one week ago. He has tried to be as open and transparent as possible and will continue to do so.

11. Motion to audit and pay bills.

<b>General Fund</b>	<b>12882-12891</b>	<b>\$ 38,632.14</b>
<b>Highway Fund</b>	<b>12918-12929</b>	<b>\$ 23,382.67</b>
<b>Special District</b>	<b>12931-12933</b>	<b>\$ 83,426.02</b>

**Councilor Johnson moved and Dwyer seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

10. Motion to adjourn.

**Councilor Zajac moved Fitzpatrick and seconded the motion to adjourn the meeting. Motion carried 5 - 0.**

<b>Daniel Fitzpatrick</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Steve Zajac</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Melanie Palmer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Carole Dwyer</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Michael Johnson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

The Town Board Meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Jacqueline Bush Roorda,  
LaFayette Town Clerk