

February 12th, 2019 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on February 12, 2019 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
 William McConnell, Councilor

Recording Secretary: Jackie Bush Roorda, Town Clerk
 Budget Officer: Tom Chartrand

Others Present: Ralph Lamson, Code Enforcement Officer
 Jeff Brown, Attorney
 Matt Mallory

1. Supervisor Fitzpatrick called the meeting to order at 7:00 PM and welcomed all in attendance and advised that due to the weather, the agenda has been shortened and he is going to focus on matters that need to be completed to meet deadlines. Councilor William McConnell led the pledge to the U.S. Flag.
2. The Town Clerk, Jackie Roorda took the Roll. All Present.
3. Town Board Minutes of January 8th, 2019 Organizational Meeting; January 8th, 2019 Regular Meeting and January 28th, 2019 Special Meeting.

R-25-19 Councilor Palmer moved and McConnell seconded the motion to accept the January 8, 2019 Organizational and Regular Meeting Minutes as submitted by Town Clerk Jackie Roorda. Motion carried 4 in favor with 1 abstained.

| | | | |
|--------------------|------------|-------|-----------|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Palmer | Councilor | Voted | Abstained |
| William McConnell | Councilor | Voted | Yes |

R-26-19 Supervisor Fitzpatrick moved and Zajac seconded the motion to accept the January 28th, 2019 Special Meeting Minutes as submitted by Town Clerk Jackie Roorda. Motion carried 5 - 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |

| | | | |
|-------------------|-----------|-------|-----|
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

4. PUBLIC HEARING – Consideration of Local Law No. 1 of 2019
 “To provide for the residency requirement of appointed public officers”

R-27-19 Supervisor Fitzpatrick moved and McConnell seconded the motion to open the Public Hearing for Local Law 1-2019. Motion carried 5 – 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

Supervisor Fitzpatrick asked if there were any questions, comments or concerns regarding Proposed Local Law 1-2019 and the matter of residency requirements of appointed public officers. None were voiced.

R-28-19 Councilor McConnell moved and Dwyer seconded the motion to close the Public Hearing regarding Local Law 1-2019. Motion carried 5 - 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

Attorney Jeff Brown explained that Town Law requires Public Officers to be a resident of the Town. This local law broadens the pool to allow anyone in Onondaga County to serve as a public officer in the Town.

R-29-19 Councilor McConnell moved and Zajac seconded the motion to approve Local Law 1-2019, as displayed below. Motion carried 5 - 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of LaFayette

Local Law No. 1 **of the year 2019.**

A local law to provide for the residency requirements of appointed officers.
(Insert Title)

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

Section 1. Legislative Intent

The services provided by officers of the Town of LaFayette have become increasingly complex and many positions, including but not limited to the Town Attorney, require extensive special training and expertise. In order to facilitate the provision of quality services at a reasonable cost, the Town of LaFayette desires, to the maximum extent possible, to increase the pool of eligible candidates to fill these positions. Accordingly, it is necessary to modify the residency requirements of the Town Law.

Section 2. Authority

This Local Law is adopted pursuant to Article IX, Section 2(c)(1) of the New York State Constitution and Article 2, Section 10(1)(ii)(a)(1) of the New York Municipal Home Rule Law, which authorizes the Town Board to adopt local laws in relation to the qualifications of their officers.

Section 3. Residency of Appointed Officers

Any appointed public officer of the Town of LaFayette is required to be a resident of the County of Onondaga.

Section 4. Statutory provisions superseded

The Town of LaFayette Town Board hereby expressly states its intention that this Local Law shall supersede any provision of the Town Law and Public Officers Law of the State

of New York to the contrary, including but not limited to § 23 of the Town Law and § 3 of the Public Officers Law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. This Local Law is effective upon filing with the Secretary of State.

5. COMMUNICATIONS

Supervisor Fitzpatrick advised that he would table the presentation by David Hess regarding LED lighting and the Employee Handbook review to the March meeting.

A brief discussion took place regarding the editing of the employee handbook clarifying the subject of personal email, definitions of elected officials and employees, etc. Attorney Jeff Brown will review and edit, and advised that any edit suggestions should be directed to him. This will be tabled until the March 11th, 2019 meeting.

A. Mass Gathering Permit for Carol Watson Greenhouse & Landscape April 13 & 14, 2019

R-30-19 Supervisor Fitzpatrick moved and Councilor Dwyer seconded the motion approving of Carol Watson Greenhouse and Landscaping, Inc. Mass Gathering/Public Assembly permit application for the fundraising event scheduled for April 13 & 14, 2019. Motion carried 5 – 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

B. Intermunicipal Agreement for 2019 Swim Program with the Town of Pompey

R-31-19 Councilor McConnell moved and Zajac seconded the motion approving of and authorizing Town Supervisor Fitzpatrick to sign the Inter-municipal

Agreement between the Town of LaFayette and the Town of Pompey for the 2019 Summer Swim Program. Motion carried 5 – 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

C. Amendment #13, Contract numbered 15205 Onondaga County & Town of LaFayette.

R-32-19 Councilor Palmer moved and Dwyer seconded the motion approving Amendment #13 of the 2019 Onondaga County Sheriff’s Contract number 15205, such that the term of contract is extended through December 31, 2019 and the compensation is \$76.70 for each hour of service provided and authorize Supervisor Fitzpatrick to sign the letter pertaining said Amendment # 13. Motion carried 5 - 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

D. 2019 Onondaga County Planning Symposium

R-33-19 Councilor McConnell moved and Zajac seconded the motion approving the attendance and authorizing payment for members of the Planning and Zoning Board of Appeals to attend the 2019 Onondaga Planning Symposium on March 7th, 2019. Motion carried 5 - 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

E. Eagle Scout Project for Michael Wais,

R-34-19 Councilor Dwyer moved and McConnell seconded the motion approving Michael Wais of BSA Troop 100 in LaFayette to construct a flag retirement depository box for the disposal of torn and tattered flags next to the pergola located on the LaFayette Library grounds as part of his Eagle Scout project. Motion carried 5 - 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

6. REPORTS

A. Departmental

1. Town Supervisor

a. 1. Town Supervisor's Monthly report was provided by Budget Officer Tom Chartrand. Tom went through the highlights of the December 2018 report commenting that we ended up in good shape for the end of 2018.

January 2019 report; Tom advised that Tax Collector Kitty Rienhardt has deposited all property taxes due to the Town and now just has to pay the County. Tom advised that there is a transfer sheet for December and January and gave a brief summary of each.

R-35-19 Councilor McConnell made a motion and Zajac seconded, approving the transfers for December 2018 & January 2019 of Appropriations as listed below. Motion passed 5 – 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

Date: December 31, 2018
 To: Town Board
 From: Tom Chartrand Town Accountant
 Re: Transfer of Appropriations
 HIGHWAY FUND

| | | | |
|----------|--------------------|-------------------|-----------|
| To: | | | |
| DA5112.2 | Improvements | Capital Outlay | 43,500.00 |
| DA5142.1 | Snow Removal | Personal Services | 14,700.00 |
| DA9030.8 | Employees Benefits | Social Security | 1,100.00 |
| | | TOTAL | 59,300.00 |

| | | | |
|----------|---------------------|--------------------|-----------|
| From: | | | |
| DA5110.4 | Repairs | Contractual | 27,300.00 |
| DA9950.0 | Transfer to Reserve | Intrafund Transfer | 32,000.00 |
| | | TOTAL | 59,300.00 |

| | | | |
|--------------|---------------|-------------|----------|
| To: | | | |
| GENERAL FUND | | | |
| A1410.4 | Town Clerk | Contractual | 600.00 |
| A1420.4 | Attorney | Contractual | 1,100.00 |
| A1620.2 | Buildings | Equipment | 4,300.00 |
| A1620.4 | Buildings | Contractual | 200.00 |
| A1989.4 | Workshops | Contractual | 800.00 |
| A5132.4 | Garage | Contractual | 4,100.00 |
| A7110.4 | Parks | Contractual | 1,600.00 |
| A7310.4 | Youth Program | Contractual | 300.00 |

| | | | | |
|-------|---------|---------------|-------------------|-----------|
| | | | TOTAL | 13,000.00 |
| From: | | | | |
| | A1355.4 | Assessors | Contractual | 2,000.00 |
| | A1990.4 | Contingent | Contractual | 800.00 |
| | A3510.4 | Dog Control | Contractual | 1,900.00 |
| | A7110.1 | Parks | Personal Services | 1,800.00 |
| | A7310.2 | Youth Program | Equipment | 700.00 |
| | A7310.4 | Youth Program | Contractual | 3,400.00 |
| | A8010.4 | Zoning | Contractual | 2,400.00 |
| | | | TOTAL | 13,000.00 |

LIBRARY FUND

| | | | | |
|-------|---------|-------------------------------|-------------|--------|
| To: | | | | |
| | L7410.2 | Library Operations | Equipment | 400.00 |
| | L7413.4 | Library Materials (Serials) | Contractual | 100.00 |
| | | | TOTAL | 500.00 |
| From: | | | | |
| | L7415.4 | Library Operations (Non-Book) | Contractual | 500.00 |
| | | | TOTAL | 500.00 |

TOWN OF LAFAYETTE

Date: February 12, 2019
 To: Town Board
 From: Tom Chartrand Town Accountant
 Re: Transfer of Appropriations

HIGHWAY FUND

| | | | | |
|-------|----------|---------------------------|--------------------|------------|
| To: | | | | |
| | DA9950.0 | Transfer to Reserve | Intrafund Transfer | 376,000.00 |
| | | | TOTAL | 376,000.00 |
| From: | | | | |
| | DA599 | Appropriated Fund Balance | Surplus 2018 | 376,000.00 |
| | | | TOTAL | 376,000.00 |

GENERAL FUND

| | | | | |
|----------|---------|---------------------------|-------------------|-----------|
| To: | | | | |
| | A1110.2 | Justices | Equipment | |
| 3,000.00 | | | | |
| | A1420.1 | Attorney | Personal Services | 38,000.00 |
| | | | TOTAL | 41,000.00 |
| From: | | | | |
| | A599 | Appropriated Fund Balance | J-Cap Grant | 3,000.00 |
| | A1420.4 | Attorney | Contractual | 38,000.00 |
| | | | TOTAL | 41,000.00 |

SPECIAL FIRE DISTRICT FUND

| | | | | |
|-------|----------|---------------------------|--------------|----------|
| To: | | | | |
| | SF3410.4 | LaFayette Fire | Contractual | 4,000.00 |
| | | | TOTAL | 4,000.00 |
| From: | | | | |
| | SF599 | Appropriated Fund Balance | Surplus 2018 | 4,000.00 |

2. Highway Superintendent – Written report submitted, no actions were taken.

Roads: Snow and ice operations were performed 38 times since the last Town Board meeting.

The 284 agreement will be submitted as soon as the NY State budget is released. Bridge and culvert grant apps have been submitted by C & S Engineering

Equipment: Request Town Board approval to surplus the Ford F550.

Recommend it to be sold through silent bid process with Town Clerk.

Scrap value is approximately \$600.00

Highway Committee Meeting: Topics discussed

Ford F-550 surplus

2011 Dodge Ram will go to Parks Department during summer months

Committee discussed road work for 2019

Talked about LED lighting for the town lighting district.

Honored former committee member Pete Paul

Welcomed new member Mike Lacava

David Hess will be at meeting to talk about LED lighting for Town in March

3. Town Clerk

a. Monthly Report and payment to Supervisor's Account were in packet for Town Board review.

b. The 2018 Annual report was also included in packet for the Board's review. Town Clerk Jackie Roorda advised that the entire Town Clerk records for 2018 were in the Supervisor's Office for the Town Board to audit at a later date due to weather conditions.

4. Building and Code Enforcement – Code Enforcement Officer Ralph Lamson provided the January, 2018 report for building permits issued. He also advised that the company that previously submitted information regarding a solar farm on Apulia Road has submitted a new application and will be presenting it at the Zoning Board of Appeals meeting in two weeks.

6. Justice Court -

a. Justices Monthly report for December 2018

67 - total cases for Judge Perrin; \$6,344.00 was taken in for the month of December, 2018.

74 - total cases for Judge Shute; \$6,828.00 was taken in for the month of December, 2018.

b. Audits of Justice Perrin and Justice Shute for December of 2018, were reviewed and accepted by the Town Board.

c. JCAP Grant Deficit – Court Clerk Carleen LaRonde submitted a letter advising that they received \$3,000.00 from JCAP however there is a balance needed for the Bullet-resistant window and installation, along with security drawers for their NYS court laptop computers that were not granted. She is requesting \$2,700.00 from the Town Board in order to install the window and drawers to assist with the ongoing process of security and updating the meeting/courtroom. McConnell advised that he is in complete agreement for the Board to grant this request as the entire courtroom, including the chairs, carpet, painting, etc., has been funded by JCAP money granted to the Justice Court. All

Board Members were in agreement and Budget Officer Tom Chartrand advised that can be accomplished and no resolution is needed. He advised that Town Clerk Jackie Roorda can advise them so that they may start the process as there is a deadline for JCAP monies to be spent.

7. Library

a. Board of Trustee Minutes and Director's Report for December 2018 were available in the Town Board's packet for review.

7. TOWN ATTORNEY/LITIGATION & OTHER MATTERS

R-36-19 **RESOLUTION CREATING THE PUBLIC OFFICER POSITION
OF LAFAYETTE TOWN ATTORNEY AND APPOINTING
JEFFREY D. BROWN, ESQ. TO THAT POSITION**

The following resolution was offered by Councilor McConnell, who moved its adoption, seconded by Councilor Dwyer, to wit:

WHEREAS, the Town of LaFayette Town Board desires to create the office of Town Attorney in order enhance the efficiency and cost effectiveness of the delivery of legal services to the Town; and

WHEREAS, the general responsibilities of the Town Attorney are to negotiate, prepare, approve and audit written contracts, leases and other legal instruments; attend meetings of the Town Board, Planning Board and Zoning Board of Appeals; draft local laws and resolutions for consideration by the Town Board; create or extend special districts; provide legal advice and counsel to the Town Board, Planning Board, Zoning Board of Appeals and the Assessment Grievance Board of Review; and provide litigation services to the Town on an as-needed basis; and

WHEREAS, the accomplishment of the above duties involves the exercise of discretion by the Town Attorney on behalf of the Town of LaFayette.

NOW, THEREFORE, BE IT RESOLVED, that the office of Town Attorney is created in the Town of LaFayette; and

BE IT FURTHER RESOLVED, that Jeffrey D. Brown, Esq. is hereby appointed to the position of Town Attorney to perform the above-mentioned responsibilities for a term beginning February 18, 2019 and ending on December 31, 2019, at an annual salary of \$38,000.00, plus any actual out of pocket expenses incurred in providing such services; and

BE IT FURTHER RESOLVED, that the Town Attorney is considered a public officer and as such the Town Attorney shall sign and file an oath of office with the Town Clerk.

The question of adoption of the foregoing resolution was put to a vote at the Town of LaFayette Town Board meeting on February 12th, 2019, which resulted as follows:

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

Motion carried. The resolution was declared adopted.

8. Motion to audit and pay bills.

| | | |
|---------------------------|--------------------|---------------------|
| General Fund | 13885-13936 | \$609,550.02 |
| Highway Fund | 13937-13952 | \$ 36,106.65 |
| Special District | 13954-13958 | \$320,303.67 |
| Trust & Agency | 13959 | \$ 1,000.00 |

R-37-19 Councilor Zajac moved and Palmer seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

8. Motion to adjourn.

R-38-19 Councilor McConnell moved Fitzpatrick and seconded the motion to adjourn the meeting. Motion carried 5 - 0.

| | | | |
|--------------------|------------|-------|-----|
| Daniel Fitzpatrick | Supervisor | Voted | Yes |
| Steve Zajac | Councilor | Voted | Yes |
| Melanie Palmer | Councilor | Voted | Yes |
| Carole Dwyer | Councilor | Voted | Yes |
| William McConnell | Councilor | Voted | Yes |

9. Supervisor Fitzpatrick who introduced Matt Mallory of Public Safety and Education, who gave a brief summary of his background and of the “Active Shooter” presentation that he will be giving in the meeting room from 2:00 - 4:00pm on February 13th, 2019. Everyone is welcome to attend.

The Town Board Meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk