

April 11th, 2023 LaFayette Town Board Meeting Minutes

Minutes of the regular Town Board Meeting held by the LaFayette Town Board on April, 11th 2023 at 6:30 p.m. at LaFayette Town Hall and live on Facebook.

Present: William McConnell, Supervisor
Steve Zajac, Councilor
Melanie Palmer, Councilor
Jerry Marzo, Councilor
Carole Dwyer, Councilor
Mark Distler, Deputy Town Supervisor

Recording Secretary: Jackie Bush Roorda, Town Clerk

Attorney: Jeff Brown

Budget Officer: Marty Knapp

Others Present: David Knapp, County Legislature
Ralph Lamson, Bldg. & Code Enforcement
Kristin Colburn, Deputy Town Clerk
Jessica Rice, Daphne Reyburn, Library Director & President
Sue Marzo, Information Officer
DJ Maher, LCC

1. Supervisor McConnell called the meeting to order at 6:30 pm and Town Clerk Jackie Roorda took the Roll. All Present. Pledge to our U.S. Flag led by Councilor Carole Dwyer.
2. Supervisor McConnell took a moment to thank Information officer Sue Marzo for the tremendous job she does on the Town newsletter and Councilor Carole Dwyer for her outstanding article of great words with regard to the Town of LaFayette and its residents. He also thanked Kent Ross, Frank Warner, Joe Marzo, the Booster and Optimist Club, who supplied all the wonderful photos. Lastly, he complimented Historian Rick Stout on his article "LaFayette - a Town Can be Proud of" and gave a quick plug for the 200th Anniversary which will be kicking off 2 years from tonight.
3. Motion to accept minutes of the Regular meeting on March 20, 2023.

R-66-23 Councilor Marzo moved and Councilor Palmer seconded the motion to accept the March 20th 2023 Regular Meeting minutes as submitted by Town Clerk Jackie Roorda. Motion carried 5-0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

**Jerry Marzo
Carole Dwyer**

**Councilor
Councilor**

**Voted
Voted**

**Yes
Yes**

4. COMMUNICATIONS

A. Hanover Real Estate Development progress update

Luke Esposito of Hanover gave a report on what has occurred since the last presentation to the Town Board. He spoke about the Sewer/Septic Treatment System advising the design size/capacity has been finalized at 4,000 gallons/day with construction cost of \$650k-\$670k for both the treatment system and new well. The Onondaga County Health Dept confirmed it would be fine with the proposed onsite treatment system; however, their approval is dependent on receipt and review of a permit application and issuance of a DEC discharge permit.

Mr. Esposito also updated the Board on the status of the Historic Preservation Tax Credit, stating that previously they were advised that the building was not eligible for historic designation. Hanover has since provided to NYS Historic Preservation Office new data on the property & building that helped change the building's historic preservation status from ineligible to eligible. Mr. Esposito stated this is good news as it is a necessary step toward Hanover's goal of having the building considered as historically significant and then applying for historic preservation tax credits. Councilor Dwyer asked if historic designation would limit what the Town could do with the property. Mr. Esposito said no.

Mr. Esposito said that Hanover is on track to present the final results of its feasibility study and make its recommendations at the May Town Board meeting.

B. Volunteer Firefighter & Ambulance Worker Tax Exemption

Supervisor McConnell advised that information about the amount of tax exemption was provided by Tax Assessor Sherry LaVancher and should the Town decide to act on this it would need to be done before 2025, and that the percentage can be up to 10%. Attorney Jeff Brown recommended that the Town Board direct him to draft a Local Law to be introduced at the May Board meeting. The Town Board will need to set a service requirement between 2-5 years and the percentage amount of the exemption. Supervisor McConnell will reach out to the Fire Dept. president to get a recommendation as to the number of years of service.

C. Resolution objecting to Governor's proposal to override Local PB & ZBA siting authority

Attorney Jeff Brown summarized the below resolution explaining that the Governor's proposal would allow the State to bypass local planning and zoning board involvement, and more importantly local resident input & concerns via the public hearing process, for development projects involving low-income housing. It is a significant proposal by the Governor and there are detailed implications of this proposed change in law.

Councilor Dwyer inquired if it would be challenged in court if Governor Hochul follows through? Attorney Brown felt that was likely given that the Governor is inappropriately attempting to utilize a legislative process which permits emergency issues of state-wide importance to go through the budgetary process and bypass the regular legislative process.

R-67-23 RESOLUTION IN OBJECTION TO GOVERNOR HOCHUL'S "NEW YORK HOUSING COMPACT" PROPOSAL

The following resolution was moved by Councilor Dwyer and seconded by Councilor Palmer

WHEREAS, Governor Hochul's FY 2024 Executive Budget included the "New York Housing Compact"; and

WHEREAS, the "New York Housing Compact" consists of the "New Homes Targets and FastTrack Approval Act" and the "Transit-Oriented Development Act of 2023"; and

WHEREAS, the aforementioned bills are Article 7 bills in the NYS 2023/2024 budget which due to their inclusion as such eliminates proper legislative process that will make for better legislation; and

WHEREAS, the housing issues outlined in the bill are not of statewide concern and are focused on New York City and the surrounding suburbs and do not meet the level allowing the State to remove Home Rule of zoning; and

WHEREAS, the Governor claims that the "New Homes Targets and Fast-Track Approval Act" is necessary in order to forestall restrictive land use practices that inhibit and limit housing development; and

WHEREAS, as proposed the "New Homes Targets and Fast-Track Approval Act" amends General Municipal Law and overrides the Town of LaFayette land use regulations as adopted in the Town's Zoning Code and consistent with the Town's Comprehensive Plan; and

WHEREAS, the "New Homes Targets and Fast-Track Approval Act" requires the Town to meet or exceed a Residential Dwelling Growth Target or enact by local law two of five "preferred actions" in order to be considered in "Safe Harbor" status; and

WHEREAS, except for Accessory Apartments/Accessory Dwelling Units, the majority of the "preferred actions" require extreme and substantial amendments to the Town of LaFayette

local zoning including but not limited to, no restrictions on minimum lot size, height limits, setbacks, parking and no environmental review, planning board review, and aesthetic review; and

WHEREAS, appeals under the Housing Compact by developers or builders whose applications for creation of housing are denied by a town, will be brought to a new “State Housing Review Board” usurping the Home Rule authority of local land use boards who understand the local community; and

WHEREAS, the proposed amendments would require the new local zoning to be exempt from SEQRA review which would prohibit the study and evaluation of impacts on traffic and roads, impacts on stormwater, impacts due to building on steep slopes, impacts on volunteer emergency services, impacts on police department staffing, impacts of additional school age students and the schools ability to absorb them, increased costs for the necessity additional sidewalks and mobility connectivity, and all standard evaluation criteria typically provided in a generic environmental impact statement; and

WHEREAS, the local zoning laws and land use laws are in place to address matters of public safety and health, which include police, fire protection, public works, density, traffic, school capabilities, parks and recreation and more, all of which local officials are intimately familiar and best suited to access and determine; and

WHEREAS, the State historically and consistently fights wrongful interference by the Federal government in matters which fall under State Rights (federalism), yet this State Budget Housing Compact wrongfully interferes in zoning and land use matters which belong to the local governments under the NYS Constitution; and

WHEREAS, the proposed amendments to Town Law would prohibit municipalities from adopting reasonable and appropriate development regulations to insure the development is compatible with the surrounding uses, such as lot coverage, open space, building height, setbacks, floor area ratios, or parking requirements; and

WHEREAS, the Town of LaFayette shares many of the same goals as the Governor, including having a long history of consistently demonstrating a commitment to providing a wide variety of housing choice and maintaining and strengthening hamlet centers as service and higher-density residential areas; and

WHEREAS, the Town of LaFayette local zoning code provides for clustered housing, accessory dwelling units, and affordable housing; and

WHEREAS, the residents of the Town of LaFayette have had a voice and participated in land use decisions for decades, from the creating and updating of the Town’s Comprehensive Plan, participating in public hearings, and volunteering on Town boards and committees; and

WHEREAS, if the Governor’s Housing Compact is passed as is, or with negotiated changes that still infringe on a town’s ability to oversee and enforce its zoning and land use laws, the residents of the Town of LaFayette will be disenfranchised from their local elected officials, local volunteer boards, and render all of the residents’ inputs meaningless.

NOW THEREFORE BE IT RESOLVED, that the Town of LaFayette implores the Legislature to permanently remove the Housing Compact proposal from the FY 2023/2024 Budget, and future budgets, and engage local governments in dialogue and address our common goals; and

BE IT FURTHER RESOLVED, that bills of this type be removed from the budget as an “Article 7” bill and follow the regular legislative process which will produce better legislation; and

BE IT FUTHER RESOLVED, that NYS environmental laws including SEQRA and a municipality’s Home Rule zoning as defined in the NYS Constitution and General Municipal law should not be limited by any legislation unless that legislation is truly of State wide concern; and

BE IT FURTHER RESOLVED, that the Town of LaFayette opposes the Governor's Housing Compact and urges the State Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers. **Motion Carried 5-0**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

5. COMMUNICATONS FROM THE PUBLIC

Resident Herb Brodt inquired on behalf of Steve Pitoniak and himself about a rumor of the fees doubling for residents who are recipients for the Cardiff water district. Supervisor McConnell advised that the Town Board has no knowledge of this but to date residents have paid nothing. He will inquire about this rumor.

6. REPORTS

A. Departmental

1. Town Supervisor

Supervisor McConnell provided an update on the current grant amounts, statuses and deadlines of funding; including the American Rescue Plan Act (ARPA) grant amount and status of funds, and the 2022 Town Budget carry-

over funds & proposed uses. A copy of the grant overview is on file at the Town Clerk's office for review and on the Town website.

a. March Monthly report

Budget Officer Marty Knapp advised that the Groth Road tower rents are already at \$38k almost half what was budgeted; Court fines are at approximately 1/3 of the budget; and our NY Class interest rate has increased to 4.7%

R-68-23 Councilor Palmer moved and Councilor Dwyer seconded the motion to approve the Supervisor's report as submitted by Marty Knapp. Motion carried 5-0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

b. Transfer of Appropriations

GENERAL FUND

To:

A1310.4	Bookkeeper Contractual	Contractual (Training)	<u>\$14,000.00</u>
		TOTAL	<u>\$14,000.00</u>

From:

A917	Budget Surplus	Contractual	<u>\$14,000.00</u>
		TOTAL	<u>\$14,00.00</u>

R-69-23 Councilor Palmer moved and Councilor Dwyer second the motion to approve the transfers of appropriations as listed above. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

c. Audit of Supervisor's monthly report

R-70-23 Councilor Marzo moved and Councilor Zajac seconded the motion that a positive audit of the March, 2023 bank reconciliation of the Supervisor’s account as completed by Councilor Dwyer was appropriate. Motion carried 5 - 0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

2. Attorney

Jeff Brown advised that he has prepared a draft town law on proposed wind farms and has forwarded it to Deputy Supervisor Mark Distler for review. He will present to the Town Board at the May meeting at which time The Board will schedule a public hearing.

3. Highway Superintendent’s Report April 2023

Roads: Miscellaneous general maintenance to our roads, shoulders, ditches and culverts will continue through the spring as weather permits.

All snow removal equipment is ready and summer equipment is getting prepped for summer work to begin.

Snow and ice ops - 14 times for snow and 1 time for ice.

Highway Business:

Our annual PESH (Public Employee Safety & Health) training will be completed on April 25, 2023. This training seminar incorporate’s multiple surrounding towns at the same time. The Town of LaFayette Highway Dept. also completes a bi-weekly training called “Tool-Box Talks”. This safety program was implemented in the spring of 2021 and Paul DuRocher was appointed as our Town of LaFayette Highway Department safety officer. Some of Paul’s duties include make sure that all highway employees are using PPE (Personal Protection Equipment) at all times in the shop as well as in the field. He also performs our bi-weekly Tool-Box Talks.

Tentative delivery of the 2023 Volvo EWR130E - New York State OGS Contract # PC69437 for the amount of \$208,000.00 (Rubber tired excavator) is approximately July of 2023. This will replace the 2011 Volvo EW180C. Highway Superintendent Steve Robson is reaching out to over 30 large construction companies throughout New York and Pennsylvania before placing on Auction International. This action is one component of our three-year rotation plan to

get the highest amounts possible for our used vehicle and reducing the cost to the residents of our Town.

4. Town Clerk

a. Monthly report for March, 2023

b. Update: Town Clerk Roorda advised she recently received a FOIL request from attorneys Finkelstein & Partners with regard to a claim of an accused dog bite incident within the Town. Roorda reached out to Dog Control Officer Ken Johnson who advised that neither he nor his deputy have ever had a report of incident with regard to the dog or residence referred to in the FOIL request. She provided the attorney with all the information requested to include, proof of the dog licensed, proof of rabies and a notarized affidavit of the dog control officer of no violations, or incidents ever reported to him or his deputy, thereby satisfying our obligation with regard to the Freedom of Information Law.

5. Building & Zoning Code Enforcement/SPDES

March 2023 Building Permit Report submitted

6. Justice Court

March 2023 Justice Reports:

Judge Perrin had 100 cases and turned over \$10,424.00 to the Town of LaFayette for March 2023.

Judge Shute had 116 cases and turned over \$10,160.00 to the Town of LaFayette for March 2023.

7. Library Director submitted by Jessica Rice and President

Daphne Rayburn added that she wanted to inform people to two of the services they provide which are Onondaga Park Passes (2) and Empire Park Passes (5). Library Director Jessica Rice advised that they are having a good response to their survey both mail and online and hope to have the data compiled soon.

8. LCC Report submitted by Kim Tingley and Board president

DJ Mahar added that they put up an additional basketball hoop by the Southern Pavilion at Stafford Park

9. LaFayette Fire Department

Chief Sean Doolittle submitted an email reporting they had 21 fire/rescue calls. The Open house will be Saturday, April 22nd. The Fire Department is sending 2 members to Indianapolis for the FDIC conference to learn the newest in firefighting & rescue methods.

B. Committee Reports

1. Community Development - discussed earlier in the meeting.

- a. NYS Restore Round 7 Grant - Response June '23
- b. Onondaga County Main Street Grant - Response: May '23
- c. Crossroads Building Decision Schedule

Mark Distler reminded the Town Board of the decision schedule presented at the last meeting and the activities that will occur between the May and June Town Board meetings in preparation of a community survey.

2. LACC Report submitted by Mark Distler, Chair

Mark Distler reported that we received the \$1k grant for the Arbor Day celebration on 4/22/23, which will allow for the planting of 21 trees primarily around the dog park. Councilor Zajac inquired where he/and other residents would see the discount on his National Grid bill regarding the Community Solar Program. Deputy Supervisor Distler advised that it should be found on the 1st page of their bill. Mark requested the Town Board re-appoint Kelly Wypych, Amy Roe & Councilor Dwyer to the LACC and appoint Doug Anderson, the longest serving auxiliary member, as an appointed member.

**R-71-23 Councilor Palmer moved and Councilor Marzo seconded the motion to re-appoint members Kelly Wypych, Amy Roe and Carole Dwyer to the LaFayette Advisory Conservation Committee for one-year terms.
Motion Carried 5-0**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

**R-72-23 Councilor Palmer moved and Councilor Marzo seconded the motion to appoint Doug Anderson as a member of the LaFayette Advisory Conservation Committee for a two-year term.
Motion Carried 5-0**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

3. Safety & Facility Maintenance-

a. Facilities - Town Councilor Jerry Marzo reported that there are some trees to be cleaned up from the winds last week, which will be taken care by the Optimists of on 4/22/23 at Park Clean Up day & the Arbor Day Celebration.

7. NEW BUSINESS

A. JG Law & Snow LLC -Estimate for topsoil, fertilizer, seed, and straw to repair the goalie areas at the Vinegar Hill Lacrosse box.

R-73-23 Councilor Marzo and Councilor Zajac seconded the motion to accept the estimate of JG Lawn & Snow in the amount of \$1,200.00 to bring in topsoil/fertilizer/seed/straw, etc., per the agreement submitted to the Town Board in order to repair goalie areas. Motion carried 5 – 0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

B. Community Day Donation

R-74-23 Councilor Palmer and Councilor Marzo seconded the motion to approve \$2k in support of the June 3, 2023 Community Day Celebration. Motion carried 5 – 0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

8. Executive Session

R-75-23 Councilor Palmer moved and Councilor Marzo seconded the motion to move into executive session at 7:26 pm to discuss matters leading to the appointment of the Interim Town Clerk. Motion carried 5 – 0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

R-76-23 **Councilor Marzo moved and Councilor Palmer seconded the motion to move out of executive session at 8:45 pm. Motion carried 5 – 0**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

R-77-23 **Councilor Marzo moved and Councilor Zajac seconded the motion to appoint Deputy Town Clerk Kristin Colburn as the Interim Town Clerk upon the formal retirement of Town Clerk Jackie Bush Rorda on June 30, 2023. Motion carried 5 - 0**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

R-78-23 **Councilor Dwyer moved and Councilor Palmer seconded the motion to set the pay for Interim Town Clerk Kristin Colburn at \$50K upon the formal retirement of Town Clerk Jackie Rorda. Motion carried 5 - 0**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

R-79-23 **Councilor Marzo moved and Councilor Zajac seconded the motion to schedule a special Town Board Meeting on Tuesday, April 25, 2023 at 5pm to discuss proposed LaFayette Hamlet Community Center refurbishments. Motion carried 5 - 0**

William McConnell	Supervisor	Voted	Yes
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Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

9. Motion to audit & pay bills

<u>Fund</u>	<u>Check #'s</u>	<u>Total</u>
General Fund	20726-20734; 20735, 20737-20753; 20755-20756; 20766, 20772-20774; 20776	Fund Total: \$ 629,152.16
Highway Fund	20753, 20754, 20757-20765, 20767-20771	Fund Total: \$55,901.59
Four Corners Rehabilitation	20736	Fund Total: \$1,021.21
Library Fund	20753	Fund Total: \$1,229.14
Trust & Agency	45 & 48	Fund Total: \$1,514.40
		Total: \$688,818.50

R-80-23 Councilor Palmer moved and Councilor Marzo seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

10. Motion to adjourn

R-81-23 Councilor Dwyer moved and Supervisor McConnell seconded the motion to adjourn. Motion carried 5-0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

The Town Board Meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk