

May 8th, 2018 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on May 8th, 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: Wendy L. Loughnot
Budget Officer: Tom Chartrand

Others Present:

David Knapp, County Legislator
Ralph Lamson, Bldg. & Code Enforcer
Dave Prince, Parks & Rec, LCC, Library
John Greeley, Highway Superintendent
Brad Bush, Planning Board Member
Several Members of the Optimist Club
Several members of the LaFayette HS graduating class,
Along with numerous residents

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 Councilor Dwyer.
3. The Town Clerk, Jackie Roorda took the Roll. All Town Board members present.
4. The Town Board Minutes of April 10th, 2018.

Councilor Zajac moved and Dwyer seconded the motion to accept the April 10th, 2018 Meeting Minutes as submitted by Town Clerk Jackie Bush Roorda. Motion carried 4 – 0, with 1 Abstained.

Daniel Fitzpatrick	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Abstained	
Carole Dwyer	Councilor	Voted	Yes
Michael Johnson	Councilor	Voted	Yes

5. COMMUNICATIONS

A. Proposal of Leanne West Grant Writing Services – Leanne West introduced herself giving a brief description of her qualifications:

The company was started in 2012 with experience in all aspects of grant writing including economic development, business development, acting as a liaison between government officials and state agencies, grant application, strategic development planning.

The plan is to have meetings with the municipality to discuss possible priority projects to match with grant moneys available; draft a narrative outlining specific pertinent facts; make revisions of the project based on feedback from agencies funding the grant money; rewrite and submit the grant; advocate on behalf of the municipality throughout the entire process.

Mrs. West reported that there are over 750 million dollars now of grant moneys available for several areas such as NYS Parks (upgrades to parks); NYS Department of Transportation (could be used for road, culverts, etc.); NYS Environmental (water, waste water, etc.) NYS Consolidation Regional; Shared Services and more.

She stated there are a lot of opportunities and their track record is \$12.00 to \$13.00 return on all moneys spent. Payment for their services depends on the municipality's priority, a monthly fee structure per project would be agreed upon.

Supervisor Fitzpatrick thanked Leanne for her presentation.

B. Supervisor Fitzpatrick introduced Jeremy Belfield, LaFayette Central School Superintendent. Mr. Belfield thanked the Supervisor and Town Board for their support and advised that he wanted to promote the upcoming School Budget. He explained that the new budget will add time for security officers from the Sheriff's Department; increase and expand another 9 credits of college courses through Morrisville College; support Chrome Books for grades 3 – 12 while maintaining one of the lowest school tax bases in the County. The 18.9-million-dollar budget will be a 1.23% increase; major portion of it is State and Federal Aide staying under the Property Tax Cap 2.6% at 2.49%.

Mr. Belfield advised that the budget vote takes place next Tuesday, May 15th from 1:00PM-9:00PM in the High School Lobby. Three board members and two propositions will be on the ballot; one for 2 new school buses and a maintenance vehicle, etc. in the amount of \$275,000 and the other for the final budget to be set at \$18,964.918 and levy the necessary tax therefore.

Supervisor Fitzpatrick thanked Jeremy for addressing the Town Board and those in attendance.

B. Purchase of the property and home at 2873 US Route 11 North. Supervisor Fitzpatrick advised that this property is located between the two entrances of Stafford Park and will be an asset to the Town and community. There is no actual contract however the purchase price is \$98,500.00. Supervisor Fitzpatrick asked if there were any questions or concerns with this matter. None were spoken.

RESOLUTION

TOWN OF LAFAYETTE

May 8, 2018

The following resolution was made by Supervisor Fitzpatrick and seconded by Councilor Zajac.

WHEREAS, the Town of LaFayette has become aware that real property located at 2873 Route 11N may be available for sale; and

WHEREAS, the property at 2873 Route 11N is located adjacent to a Town park; and

WHEREAS, the Town is interested in acquiring said property to expand its park and for other Town uses; and

WHEREAS, contemporaneous with this resolution, the Town Board is releasing money from its General Reserve Fund "Reserved for Buildings", subject to permissive referendum; and

WHEREAS, upon completion of the reserve fund release process, these funds can be available for purchase, site development and related expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes a purchase offer to be delivered to the current owner(s) of 2873 Route 11N in an amount not to exceed \$98,500.00 subject to:

1. The successful completion of the release of money from the General Reserve Fund "Reserved for Buildings"; and
2. An environmental audit of 2873 Route 11N, showing that the property is free from contamination.

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

Carole Dwyer	Councilor	Voted	Yes
Michael Johnson	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Steven J. Zajac	Councilor	Voted	Yes
Daniel Fitzpatrick	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: May 8, 2018

RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

TOWN OF LAFAYETTE

May 8, 2018

The following resolution was made by Councilor Johnson and seconded by Councilor Zajac.

WHEREAS, the Town of Lafayette Town Board, as part of its budget process in previous years formed and funded a General Reserve Fund “Reserved for Buildings”; and

WHEREAS, as of March 31, 2018 there is \$133,244.88 on deposit in this reserve fund account; and

WHEREAS, an opportunity has arisen to acquire property at 2873 Route 11N, which is adjacent to a Town park; and

WHEREAS, the funds in the subject account will be needed in connection with the purchase of said property at 2873 Route 11N; and

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the Town Board hereby authorizes the withdrawal of an amount not to exceed \$133,244.58 on deposit in the General Reserve Fund “Reserved for Buildings” account for the purchase, site work and related costs of the property and buildings at 2873 Route 11N incurred by the Town, including any interest that may accrue after March 31, 2018; and it is further

RESOLVED AND DETERMINED, that this resolution is adopted, subject to a permissive referendum.

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

Carole Dwyer	Councilor	Voted	Yes
Michael Johnson	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Steven J. Zajac	Councilor	Voted	Yes
Daniel Fitzpatrick	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: May 8, 2018

C. Sale of former LaFayette Ropes Course – Supervisor Fitzpatrick advised a resident reached out to the Town with regard to purchasing the old ropes course property located on Apulia Road, offering \$22,600 for it in “as is” condition. He then introduced County Legislator Dave Knapp who gave a brief history regarding this property.

Dave Knapp advised of the following facts and circumstances regarding this property –

- The property was given to the Town in the late 90’s for taxes
- The property was logged back in 1999
- Several grants and various donations from different groups enabled the building of the Ropes Course for a total of approximately \$75,000.
- Because it was town property, the Town was responsible to pay upkeep, insurance cost and various other bills with regard to the property.
- Although the Town was paying all the bills, the two companies/instructors of the Ropes Course were making all the money, even the schools had to pay to utilize the course.
- Over time, the Town Board decided it wasn’t serving the Town well as typically is was costing thousands of dollars each year, without any benefits to the Town.
- Andy Ohstrom tried tirelessly to make it work without costing the town so much money, but ultimately it wasn’t possible.
- In 2006 a private company utilized the ropes course, paid the bills associated with it, however that only lasted a year and quit.
- It has been sitting vacant for the last 12 years, the ropes course equipment is either gone or deteriorating, and costing the Town money.

The following Items were then discussed by the Town Board members and residents;

- How possible sale of the property came about
- Complaints of hunting on the town’s land
- Posting the property per the February 13, 2018 TB meeting resolution
- Posted signs not put on property by Highway Dept.
- Not on tax roles as it sits now, no tax dollars for the Town
- Cost of insurance to the Town of LaFayette and liabilities
- This vacant property cost town approximately \$5,000 annually
- Previous higher assessment was based on land having a functioning ropes course
- Assessment reduction based largely on amount of wetlands on the land, easement, etc.
- Sale “as is” including waste from ropes course and any potential D.E.C. concerns
- Waste left over from the defunct ropes course is mostly deteriorated wood and nails
- Appraisal was done and paid for by potential buyer, in line with Town Assessor’s and county assessment

- Question of accurate appraisal/comparison with JD schools
- Possibility of logging and appraisal for timber
- Obtaining a couple more appraisals, question of survey and cost
- No driveway accesses
- National Grid's easement of 175 feet each side and the upcoming additional 150 feet of easement that they will be taking.
- The landowner interested in purchasing the property for \$22,600 is aware of the easement issue, the DEC / wetland issues, etc... and was willing to take on as is
- Public auction/offering property to everyone in the Town
- Selling Town or County property in this manner is perfectly legal, not necessary to auction, etc.
- No rush to sell it, needing more information & tabling this matter indefinitely
- Possibility of potential buyer backing out as result of a delay in selling now
- Making sure Highway gets posted signs up on Land
- Posting "For Sale" signs on land, where to put signs
- Accepting offers for "As Is" only and starting offers at over \$22,600, the offer already on record
- Question of hazardous waste?

Supervisor Fitzpatrick advised that the sale of the ropes course property will be tabled indefinitely. For Sale and posted signs will be put up immediately by the Highway crew.

D. Acceptance of Land from Oliver's Campers and granting easement to access the well located at the town highway garage.

**RESOLUTION
TOWN OF LAFAYETTE TOWN BOARD
MAY 8, 2018**

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

WHEREAS, the owner of property located at 2843 Route 11N, property tax #20.-03-02, known as JO3, LLC has expressed an interest in acquiring an easement to access, use and draw water from a certain water well owned by and located on Town property at 2849 Route 11N, property tax #20.-03-01; and

WHEREAS, JO3, LLC is willing to convey to the Town a 2.13-acre parcel of land generally located to the south of the Town's new highway garage and immediately adjacent to the Town's property at 2849 Route 11N; and

WHEREAS, in addition to well access, the Town will agree to provide certain services to JO3, LLC not to exceed \$5,000 in value, related to removal of vegetation, surface grading and the installation of an access driveway to the western end of the JO3, LLC property, not to include any materials needed to construct said driveway; and

WHEREAS, this exchange would be mutually beneficial to JO3, LLC and the Town of LaFayette.

NOW THEREFORE, BE IT

RESOLVED, that the Town of LaFayette by its Town Board, agrees to the exchange as set forth herein and authorizes the Supervisor to present a proposed Agreement to JO3, LLC as herein conditioned; and it is further

RESOLVED, that the conveyance of any real estate interest in Town property is and shall be subject to a permissive referendum; and it is further

RESOLVED, that the Town's authorization is specifically conditioned upon the following:

- The Town's right to conduct an environmental audit of the property to be conveyed to the Town under this proposal and receipt of confirmation that there is no environmental contamination of the property which it is receiving.
- The Town makes no warranty or representation with respect to the well with regard to quantity, quality or potability of water.
- Any and all responsibility for testing and upkeep/maintenance of the well shall be the responsibility of JO3, LLC and the Town shall have no obligation or responsibility related to the well or the water drawn therefrom.
- JO3, LLC will indemnify and hold the Town harmless with respect to any claims related to the land on which the Town is providing services to JO3, LLC, including any and all

environmental claims or administrative proceedings brought by the NYS DEC, the U.S. EPA or any other governmental agencies.

- JO3, LLC will indemnify and hold the Town harmless with respect to the well and any water obtained therefrom.
- Recognizing that the well is located beneath the main access driveway from Route 11N to the Town’s Highway garage, JO3, LLC shall not block or obstruct free access to the Town property and any disturbance of the pavement shall be promptly repaired and replaced to its original condition;

and it is further

RESOLVED, that upon successful completion of the permissive referendum period, or referendum if triggered, and upon receipt of an environmental audit confirming that there is no environmental contamination of the 2.13-acre parcel of land being conveyed to the Town by warranty deed (if obtained by the Town), the Supervisor is authorized to close this transaction with the exchange of interests herein described.

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

Michael Johnson	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Steven J. Zajac	Councilor	Voted	Yes
Daniel Fitzpatrick	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: May 8, 2018

E. Proposal for 2018 MS4 Annual Stormwater Report

Supervisor Fitzpatrick moved and Palmer seconded the motion to accept the proposal for engineering services related to NYSDEC SPDES Permit for Stormwater Discharges from MS4’s Engineering Services for 2018, as submitted by O’Brien & Gere Engineers, Inc. Motion carried 5 – 0.

Daniel Fitzpatrick	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes

Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Michael Johnson	Councilor	Voted	Yes

G. Carol Watson Green House Estimate/Quote for 2018

Councilor Zajac moved and Fitzpatrick seconded the motion to accept the 2018 Agreement between Carol Watson Greenhouse and the Town of LaFayette, in the amount of \$1,660.00 for spring clean-up and maintenance, including fall clean-up for the Town offices and Community Center, subject to prevailing wage. Motion carried 5 – 0.

Daniel Fitzpatrick	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Michael Johnson	Councilor	Voted	Yes

H. Intermunicipal Agreement for 2018 Swim Program with the Town of Pompey

Supervisor Fitzpatrick asked Tom Chartrand to give a brief explanation of how this came about. Tom advised that the Town of Pompey ran this swim program at Cazenovia College since 1978. After LaFayette Pool closed the suggested that the Town of LaFayette participate in the program with the Town of Pompey and it has worked out well for the last few years.

Councilor Palmer moved and Dwyer 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 2018 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
Michael Johnson	Councilor	Voted	Yes

Dave Prince advised that it is already advertised on the LCC web page, along with the dates and times for the sessions.

I. Community Day Funding

Dave Knapp thanked the Town Board for their continued support for this fun, family and community event. This is a completely free celebration for the Town of LaFayette's residents. He further advised that the Optimist Club sponsors the amazing fireworks

display and also cook and serve the hotdogs, etc. With the assistance of Dave Prince, Adrian Shute and himself, along with the Community Council, Apple Festival Committee, and others, this has been a wonderful annual event that many look forward to enjoying.

Councilor Dwyer moved and Fitzpatrick seconded the motion for the Town Board to support the 2018 LaFayette Community Day event. Motion carried 5 – 0.

Daniel Fitzpatrick	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Michael Johnson	Councilor	Voted	Yes

6. OPEN COMMUNICATION FROM THE PUBLIC

Dave Knapp also wanted to make residents aware the NYSEG is expanding with a high voltage power line that will run adjacent to the existing National Grid easement. They are requesting a 150' easement starting in Binghamton and ending at the Sentinel Heights station. They are in the early stages of going door to door with contracts for land/property owners with regard to the easements. He advises all to read the contract really well so that you get the best deal possible. The easement would still remain your property, you may farm it, etc. however you would not be able to put a building on it. He and other legislators, are trying to get the word out and will be holding informational meetings to protect property owners and educate them on their rights.

Dana Chapman asked if anymore manure pits are in the works as he is looking to buy property in LaFayette. Fitzpatrick advised that three have been approved in Onondaga County, 2 in Skaneateles and one in Onondaga. Thankfully, none are in LaFayette. With the passing of the new law the Town will have more information than before when someone applies for a manure pit. Dave Knapp advised that NYS water and environment through Ag and Markets released 50 million dollars for the purpose of building manure lagoons. Of course, if they are in an Ag district, there is not much anyone can do to prevent lagoons as we all are aware of. They are more expensive to build as the Federal Government require a synthetic lining, at a minimum, and possibly a cement lining.

Martin Ossenburg referred to his May 1st letter to the Town Board, regarding proposed Local Law C-2018, "Site Plan Review for Manure Storage Facilities Associated with Concentrated Animal Feeding Operations. The Court is coming down hard on the DEC. The big part, DEC cannot enforce confidentiality, that all changed since Monday. He further advised that Steve Pitoniak spent hundreds of hours of hard work investigating and researching and feels there are important facts that are ignored in the draft of the law. and handed it over to the Town Board. He also has a digital version that he handed the Town Clerk for anyone to review and to have for Public Record.

Steve Pitoniak spoke regarding the proposed law and asked, if the Town should wait on our local law until after the Federal Law goes into effect in October? When the new law goes on the books, can we expect amendments? Did Ag & Markets respond to the letter sent? When is the Public Hearing?

Supervisor Fitzpatrick responded that the regulations are being re-written and should be done by October 23, 2018 and at that point we will have more knowledge on the State and Federal regulations. He feels it is better to have our law on record now and advised that we can take into consideration amendments and what we can do to improve it. He also advised that we have heard back from Ag & Markets and we are good to go.

Attorney Wendy Loughnot advised that next month at the June Town Board meeting Local Law C-2018 will be introduced and the Public Hearing will take place at the July meeting, then the law will be enacted if it is desired by the Town Board.

7. REPORTS

A. Departmental

1. Town Supervisor's Monthly report was previously provided by Budget Officer Tom Chartrand. He advised that the Groth Road Tower rent money is up, the general budget is at 37%, pretty much right where it should be, highway and library budgets are slightly higher. There are no transfers of appropriations at this time.

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

Roads: Snow and Ice ops were performed 4 times since last TBM. Shoulder work and ditching ops will resume after Dump days. There are some sporadic brush piles that will be picked up also.

Equipment: Request the Board to put the 1981 Clark Grader on surplus. Would like to list on Auctions International to sell. The Highway Department has an all-wheel drive Plow truck that can perform the same tasks that the grader was intended to do. Would like to use revenue to replace 2011 Dodge plow truck.

Councilor Johnson moved and Dwyer seconded the motion to declare the 1981 grader as surplus and put on Auctions International setting the residual amount at \$10,000.00. Motion carried 5 – 0.

Daniel Fitzpatrick	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Michael Johnson	Councilor	Voted	Yes

Town Clean Up Days: Currently the Department is working at old landfill. Very busy the first 3 days.

Status on Planter Boxes??? As John advised at last month's meeting, last year the Highway Department spent 2 days delivering and picking the planter boxes up. They also had to empty the dirt out of most of them in the fall. The boxes are currently stored at the Landfill. Maintenance of the boxes is taxing and he had recommended a committee be formed to decide what to do.

Dave Prince for him and his assistant to take over the flower boxes at this time.

3. Town Clerk

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

b. Town Clerk, Jackie Roorda advised that everything is set up for the May 12th, 2018 shredding, Rescue Mission drop off and expired medication drop off to be held from 9:00AM to 1:00PM at the Town Hall. She will be overseeing the even. Onondaga County Sheriff's Department is sending an officer to stand over the returned medication as required and they will be taken to be destroyed immediately following the event. Jackie will meet the Rescue Mission Truck at the Town Hall on Sunday for them to pick up all of the donated items.

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 March 2018

109 - Total cases for Judge Perrin; \$8,467.00 was taken in for the month of March 2018.

128 - Total cases for Judge Shute; \$9,800.00 was taken in for the month of March 2018.

b. The February 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 there is no nothing new on the sign they are purchasing. He also advised that the Onondaga County Public Library has the New York State Park Pass for County Parks available, however he understands if you are late on returning the pass, the fines will be increased.

7. LCC/Parks & Rec – Dave Prince – Dave Prince advised that his summer helper is home from college and they have been busy getting the pond area ready for the upcoming fishing derby. He also advised that Oliver's Campers has sponsored two baseball teams. There are 9 teams this season and an instructional T-Ball team also.

Lacrosse will be starting soon, the annual soccer camp will be happening this summer and they are also trying to do an “all sports” type of camp as well.

B. Committees - No committee reports were presented.

8. NEW BUSINESS – Councilor Dwyer asked if there are any updates on the grant for the old LaFayette Hotel. Legislator Knapp and Supervisor Fitzpatrick advised that the Town should hear more on this in the near future.

9. Motion to audit and pay bills.

General Fund	12589-12626	\$ 37,972.91
Highway Fund	12627-12640	\$ 13,580.74
Special District	12641	\$ 87.57

Councilor Zajac moved and Fitzpatrick 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
Michael Johnson	Councilor	Voted	Yes

10. Motion to adjourn.

Councilor Dwyer 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
Michael Johnson	Councilor	Voted	Yes

The Town Board Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Jacqueline Bush Roorda
LaFayette Town Clerk