

August 14th, 2018 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on August 14th, 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:

Dave Prince, Parks & Rec, LCC, Library
John Greeley, Highway Superintendent
Nancy & John Mueller
Rosemary & Herb Brodt
Kevin McAuliffe
Richard Leone
Ken Griffin
Don Moody
Sean Doolittle

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

Councilor Palmer moved and Dwyer seconded the motion to accept the July 10th, 2018 Meeting Minutes as submitted by Town Clerk Jackie Bush 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
Michael Johnson	Councilor	Voted	Yes

5. COMMUNICATIONS

A. Groth Road Tower Amendment to the lease. This matter is tabled until next month as Attorney Gilligan advised that he is still waiting on Crescendo regarding the agreement.

B. Sale of former Ropes Course, Apulia Road

Supervisor Fitzpatrick advised that the Town Board will be going into executive session to discuss this matter, however he asked the two interest parties, Rick Leone and Ken Griffin, a chance to speak their opinions.

Kevin McAuliffe, attorney for Rick Leone spoke on his behalf. He first advised that he has the neighboring property to the Ropes Course and years ago gave the Town of LaFayette a 200' easement and parking area to access the Course. He used to oversee the property and report to the Town when vandalism and shooting that took place during operation and after. Their position is that the offer he made on Rick's behalf included an addendum offering \$1,000.00 more than the highest offer, up to \$33,000.00. Being that the highest offer was \$30,500.00, they are ready to purchase the property for \$31,500 and take possession.

Ken Griffin advised that years ago he worked on the ropes course. He feels the property should go to him, advising that he forwarded a \$1,500.00 check to the Town after he was advised that he was the highest offer. He said that Leone's offer clearly requested a survey and abstract for the property, specifically on Page 3 which was initialed at the bottom and the contract was signed. Griffin's offer did not request those things and he feels because Leone hand wrote "as is, no state survey required" on the envelope his offer came in, is not a valid part of the purchase offer and doesn't make their case.

McAuliffe commented that Griffin's offer and other offers didn't address anything therefore all of this was a moot point to argue.

Discussion Points:

- *Differences in the contract format offers made by the four interest parties
- * There were no formal guidelines regarding purchase offers
- * Instructions for Town Clerk when inquiries were made to advise it is for sale "as is" and to simply make a written offer to the Town Board, giving very little information

Councilor Palmer moved and Zajac seconded the motion to move to executive session at 7:09 PM, to include the Board members and attorney to discuss a contract matter for the sale of Town property. 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

At 7:37 PM the Town Board returned ending Executive Session and Supervisor Fitzpatrick announced the Regular Meeting will continue.

Fitzpatrick announced that on the advice of Town Attorney, Kevin Gilligan the Board is rejecting all previous offers on the purchase of the Ropes Course at this time and in the future will be accepting sealed bids/RFP's (request for proposals).

Councilor Zajac moved and Fitzpatrick seconded the motion to rescind the motion of the July 10th, 2018 meeting that granted the purchase of the ropes course to Ken Griffin. 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

Councilor Zajac moved and Fitzpatrick seconded the motion to reject all previously submitted bids for the purchase of the Ropes Course property on Apulia Road. 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

Ken Griffin commented that in his opinion this is not an honest or honorable decision.

C. Paving of the parking lot at the Town Hall, Library, the adjacent Maher/USDA building that shares the parking areas.

Supervisor Fitzpatrick advised that Dennis Maher submitted several quotes for this project. Maher recommended not accepting the lowest quote as he feels the material used is not as good and would not last as long as the material used by the company Tarvia Seal Corp. Councilor Johnson confirmed the Tarvia's material is better as well. Maher further recommended Tarvia Seal Corp. because they are a local vender, the material is manufactured by Seal Corp, is a better mixture and lasts longer. It was discussed that the contract has to include prevailing wage and certified payrolls

need to be submitted to the Town. Tom Chartrand advised that quotes under \$3,000.00 do not require the procurement policy.

Councilor Johnson moved and Fitzpatrick seconded the motion to accept the quote from Tarvia Seal Corp as recommended for the driveway sealing and striping of the Town Hall, Library and Maher/USDA building. 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

D. 2017 LaFayette Fire Dept. /Ambulance Tax returns and audit review.

Supervisor Fitzpatrick advised that the above tax returns and audit were submitted for the Town Board’s review. He commented that the Town and Fire Department are working together and this is a good step forward. Monthly reports from the Fire Department will be provided to the Board as well.

6. REPORTS

A. Departmental

1. Supervisor Report

Town Supervisor’s Monthly report was submitted by Budget Officer Tom Chartrand advised that mortgage tax is \$4,000.00 to the good. General budget is at 62%, Highway at 54% and Library 56%. He also advised that a transfer of appropriation moving money from the Contingent was included in his paperwork.

Councilor Johnson moved and Dwyer seconded the motion to approve the transfer of appropriations as listed below. 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

GENERAL FUND

To:

A1440.4	Engineering	Contractual	\$3,000.00
A1620.0	Buildings	Equipment	<u>\$1,000.00</u>

TOTAL \$4,000.00

From:

A1990.4 Contingent

Contractual \$4,000.00
TOTAL \$4,000.00

Tom reported that UMR bought Pomco out and since that change the cost of insurance is more expensive and letters will be sent advising members of that change.

Tom also said that he has some tentative dates in mind to schedule budget workshops/meetings. Dates were discussed, decided on and the following motion for Town Clerk, Jackie Roorda to publish was made.

Councilor Johnson moved and Fitzpatrick seconded the motion to approve Wednesday, September 19th at 6:00 PM; Tuesday, September 25th at 6:00PM, October 9th during vouchers at 5:00PM and Wednesday, October 17th at 6:00 PM (if Needed) for budget workshops and request that Town Clerk, Jackie Roorda publish a notice regarding these meetings. 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

Tom also advised that the tax cap law is 2%, however the inflation rate is at 2.25%. SOTS is quite a bit higher and that will be included in the tax cap numbers. He said the Board may initiate procedures to override the tax cap. Attorney Gilligan said that he will have that ready for the September meeting and a Public Hearing will be scheduled at the October 9th meeting. Chartrand also advised that the Board will need to adopt the budget by the Thursday after the election and the Board may schedule an extra meeting or change the regular scheduled meeting to that same Thursday.

2. Highway

a. Superintendent written report submitted and read by John Greeley.

Roads: All town surface treating is complete except Ortloff. Work will begin on 8/2/2018. Waiting for UFPO's to clear and power pole to be removed.

- Chips funding requests were mailed out by Tom Chartrand.
- Mowing ops continue-ditching ops will resume after Ortloff is completed.

Clark Hollow Road Bridge received a yellow structural flag Level 2 rating.

This basically means that the bridge (because of age and condition) needs to be inspected for the proper load rating.

Level 2 ratings are estimates of load capacities of a superstructure.

Because of this yellow flag, it's important to inspect and compile data in order to receive a proper Level 1 rate loading. An estimate is here for C & S.

Attorney Gilligan advised that a resolution needs to be passes approving C & S Companies so they can get the study underway and they can look at the bridge to get

the needed information. Tom Chartrand advised that we will need to make a transfer as that is only about \$800.00 in the account at this time. He will prepare the transfer for next month's meeting.

Councilor Johnson moved and Fitzpatrick seconded the motion approving C & S Companies to conduct the study with regard to the repair of the bridge on Clark Hollow Road for the lump sum of \$2,500.00. 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

Equipment: Grader sale for \$5,000 was completed. Called Auctions International for status of check. They will check on status and report back.

2017-2018 Severity Rate: Thank you to Legislator Knapp for his continued support to our Town by securing extra funds that allows the Highway Dept. to keep our roads safe for our residents. This will be spent on this budget year to buy sand and salt. Which will put the Town in real good shape for next year's budget.

3. Town Clerk

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

b. Town Clerk, Jackie Roorda reported that the sale of Dept. of Conservation hunting licenses started August 1st, which is always a busy time due to the volume that come to LaFayette for their sporting licenses.

c. Roorda also advised that the Zoning Board of Appeals granted two variances and one specific permit at the July meeting and one simple subdivision was completed.

4. Building and Code Enforcement

a. Code Enforcement Officer Ralph Lamson provided the report for building permits issued so far for 2018.

5. Justice Court

a. Justices Monthly report for June 2018

103 - Total cases for Judge Perrin; \$8,620.00 was taken in for the month of June, 2018.

105 - Total cases for Judge Shute; \$8,818.00 was taken in for the month of June, 2018.

b. JCAP Grant: Court Clerk, Carleen LaRonde submitted a letter to the Town Board asking for their approval for their participation in the JCAP Grant process for 2018-19. They are hoping to create a safer environment with more security features in the courtroom, revamp the bench to accommodate the court's laptops, and other minor updates.

Supervisor Fitzpatrick moved and Johnson seconded the motion to approve the Justice Court's participation in the JCAP Grant application process. 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. Library – The June 12, 2018 Board of Trustees Minutes and Director's Report Dave Prince advised that they have a new employee. He also reported that there are different options for the replacement sign for in front of the building which they will be sharing with the Town. A manual sign similar to the one in front of the fire department would cost \$4,000 - \$7,000 and only has 31 character spots per line. The electronic sign with LED lights, similar to the one in front of Grimshaw School is in the price range of \$21,000 - \$38,000. The major benefit for that sign is making any changes is easier, with easier access. It may be programmed ahead of time and holds a lot more characters per line. Tom Chartrand advised that there is \$11,000 surplus in the library budget and someone should check with Ralph Lamson regarding any signage codes.

7. LCC/Parks & Rec – Dave Prince reported that lacrosse season is over; Ultimate Goal soccer camp numbers were half as many as in the past; swim sign-ups are two times the number as usual; and the one day all sports camp was cancelled as no one signed up. There were a lot of conflicts on the day that was scheduled for. Fall soccer is going to include LaFayette, Tully, Fabius and DeRuyter which will be more competitive as in the past.

Prince also reported that after talking with Vince Maher regarding moving the trailer for the bottles and cans to the parking lot behind the Town Hall, both have concerns and decided it is not a suitable location. He advise that the left hand side of the old highway parking lot seems most appropriate. It was discussed and decided that it is better to not have it located on Town Property, especially since the funds raised go to school and booster club organizations. The school seems to be a better fit for the storage trailer. Dave and Carole will approach the school to request it be located there. Dave advised that it can be put on hold for now, however, Dollar General is anxious to have it removed as soon as possible.

7. LEGAL MATTERS/ATTORNEY/LITIGATION

A. Attorney Gilligan asked what was going on regarding the removal of asbestos at the Puttkamer property. Councilor Zajac advised that they are waiting on a home inspection to give C & S Companies a number for the cost. Tom Chartrand advised that he believes a base line cost is approximately \$2,000.00. Gilligan commented that the Board may want to hold a special meeting to move ahead after numbers are received.

B. Gilligan advised that he will be putting together a proposal for the swap of the 2 acres of land from Oliver's Campers for the use of the driveway and access to the Town's water well which they are currently using. He will put that together and get it to the Town Board to review.

8. NEW BUSINESS

A. The LaFayette Fire Department/Ambulance submitted 2017 tax returns and the February 2018 Audit for the Town Board's review. Supervisor Fitzpatrick Commented that this a good step forward, with a continued positive relationship with the Town.

B. Fitzpatrick reported that after numerous meetings, the SOTS contract is finalized with Dependable Disposal. He advised that there are samples of the 65 gallon recycling and 95 gallon garbage containers in the Town Hall lobby. These will be provided for free to residents; everyone will be paying the same amount for trash removal and they have eliminated different levels of service. He believes a mailing regarding the changes, containers, etc. will be going out soon and that there will be a link for the Town website, Facebook, etc. as well explaining all aspects of trash removal.

9. OPEN COMMUNICATIONS

A. Residents John and Nancy Mueller advised that they have questions and concerns regarding the removal of the pile of millings that Suite-Kote has on Route 20 which borders her backyard. They would like to know the date set to have the pile removed, if there are going to be penalties if not removed by the deadline and was this a written or oral report. She would like copies of any of the paperwork that was given to Suite-Kote. Town Clerk Jackie Roorda will get copies for Nancy. Supervisor Fitzpatrick advised that there will be a fine imposed and he will discuss this matter with Code Enforcement Office Ralph Lamson when he returns to town.

B. Resident Herb Brodt questioned the new five minute limit for Open Communication and near the end of the meeting. Supervisor Fitzpatrick and Town Clerk Roorda advised that this is not new as it has part of the Meetings Procedure Rules, for numerous years. Different Supervisors may choose to enforce the 5 minute limit or not. As far as being at the end of the agenda, this is to allow committees, etc. take precedence in order to complete town business. Roorda advised that the majority of Towns have open communications at the end of the meeting, sometimes even after adjourning or not at all.

Brodt also questioned that there is no speaker system in the meeting room. This has been talked about in previous meetings and feels that it needs to be rectified. He said he would be glad to donate one if needed however he feels the Town should look into purchasing a PA system. Fitzpatrick commented that it can be checked into.

C. Sean Doolittle of the LaFayette Fire Department Assistant Chief gave a verbal report of the past months activities; 49 calls, 19 were fire/rescue/car accidents and 30 were ambulance calls. The average time is about 1 hour per call. The amount of grass fires is down and there haven't been any major expenses. Supervisor Fitzpatrick thanked him for the report.

10. Motion to audit and pay bills.

General Fund	12998-13067	\$ 45,870.55
Highway Fund	12997-13091	\$154,490.22
Special District	12996, 13093-13094	\$ 43,404.60
Trust & Agency	13095-13098	\$ 750.00

Councilor Johnson moved and Zajac 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

11. 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

