**September 11th, 2018 LaFayette Town Board Meeting Minutes**

Minutes of the Town Board Meeting held by the LaFayette Town Board on September 11th, 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: Ralph Lamson, Bldg. & Code Enforcement Officer

John Greeley, Highway Superintendent

Mark Chambers, C&S Companies

Residents:

John Mueller

Rosemary & Herb Brodt

Doug Kantz

Steve & Kathy Pitoniak

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 Palmer.

Supervisor Fitzpatrick requested a “Moment of Silence” in honor and remembrance of the victims of 9/11/2001, 17 years ago.

3. The Town Clerk, Jackie Roorda took the Roll. All Town Board members present.

4. The Town Board Minutes of August 14, 2018.

**Councilor Palmer moved and Dwyer seconded the motion to accept the August 14th, 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. A draft of a letter regarding Town of LaFayette’s support for Broome-Cortland-Onondaga Home and Property Owners Alliance to protect the property rights regarding proposed NYSEG powerline was reviewed and discussed. Supervisor Fitzpatrick advised that with Town Board approval, this proactive letter will go to all the Supervisors and Town Boards along the proposed route of this high voltage power line. Also, this letter is non-binding and no one else is involved.

**Councilor Dwyer moved and Johnson seconded the motion authorizing the Town Clerk to send the letter of support to protect the property rights drafted by Broome-Cortland-Onondaga Home and Property Owner’s Alliance to the Town Supervisors and the Town Boards along the proposed NYSEG powerline route. 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**

B. CNY SPCA Cruelty Contracts for 2019.

Per Tom Chartrand, this should be tabled until after the budget for 2019 is adopted. Supervisor Fitzpatrick advised that this will be looked at after the 2019 Adopted Budget.

C. Tax Cap Over-ride/Local Law no. D-2018. This is just being introduced and will be scheduled for a Public Hearing.

**TOWN OF LAFAYETTE**

**TOWN BOARD RESOLUTION**

**September 11, 2018**

**Councilor Johnson introduced proposed Local Law No. D-2018, authorizing the Town of LaFayette Town Board to override the limit on the amount of real property taxes that may be levied by the Town of LaFayette pursuant to General Municipal Law § 3-c, and to allow the Town of LaFayette to adopt a Town budget for the fiscal year 2019 which is in excess of the “tax levy limit,” and made the following motion, which was seconded by Supervisor Fitzpatrick:**

**WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria;**

**NOW, THEREFORE, it is**

**RESOLVED AND DETERMINED, that no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of LaFayette, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and it is further**

**RESOLVED AND DETERMINED that the enactment of said Local Law is a Type II action for purposes of environmental review under SEQR and will have no adverse environmental impact, thus concluding the SEQR review process; and it is further**

**RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. D-2018 at the Town Hall located at 2577 Route 11 in the Town on October 9, 2018 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.**

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

**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. Mass Gathering Permit for the 2019 Apple Festival. Tom Chartrand advised that this is an annual permit wherein the Town Board has always waived the application fee. Attorney Gilligan said that the Board needs to make a SEQR determination. The Town will act as lead agency, there are no other agencies involved, and this is an unlisted action, therefore Town Board is justified to issue a negative SEQR determination.

**Councilor Dwyer moved and Fitzpatrick seconded the motion to grant the mass gathering permit for the 2019 Apple Festival; waive the application fees, and make with a negative SEQR declaration. 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**

E. Syracuse Haulers Waste Removal/Dependable Disposal bids for the Town dumpsters at Stafford Park and Town Hall properties. Supervisor Fitzpatrick advised that Syracuse Haulers bid was the lower amount and asked if anyone had any questions. Tom Chartrand commented that Syracuse Haulers came in at $104/Town Hall and $192/Stafford Park for a total of $296.00 per month vs. Dependable’ s bid of $138/Town Hall and $250 Stafford Park for a total of $388 per month. It is a 3-year contract with adjustable rates, so if the rates for the truck increases the rate may go up as well.

**Councilor Dwyer moved and Fitzpatrick seconded the motion to accept the bid submitted by Syracuse Haulers at $104/Town Hall and $192/Stafford Park for a total of $296.00 per month for the use of dumpsters at the Town Hall and Stafford Park and authorize Supervisor Fitzpatrick to execute the agreement between the Town of LaFayette and Syracuse Haulers. 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**

F. Groth Road Tower – Supervisor Fitzpatrick advised that Attorney Gilligan was adding this to the agenda. Gilligan said this matter was tabled last month as he was waiting to hear from Crescendo regarding the amendment to the rental agreement for the tower. He finally heard back late this afternoon and did not have time to forward this to the Town Board, prior to the meeting. The more rent money that comes in for the tower, the better it is for the Town. Crescendo gets a part and the Town gets a part. He got the EAF today, a negative SEQR as no other involved agencies, it’s an unlisted action.

Councilor Dwyer asked if this could be tabled to the budget workshop/meeting next week so that the Board is able to get the paperwork and review it prior to deciding. Gilligan said if the public notice was only for a budget workshop it would have to wait. Town Clerk Jackie Roorda advised that whenever she post notices for any meetings, she includes “and to discuss any and all business that may come before the Board”.

This matter was tabled until Tuesday, September 25th and Gilligan will email the amendment to the Town Board Members for their review. Ralph Lamson question Kevin Gilligan who was responsible for inspecting the tower as he doesn’t think it has been done in over 3 years. Tom Chartrand advised that he will look back to see who inspected it last time and this should be added on the budget for next year as a special line item to cover the cost for the inspection.

6. REPORTS

A. Departmental

1. Supervisor Report

Tom Chartrand reports that our interest is quite good we are up about $4k in our general fund; $2k in the highway fund and about $500 in the Library fund, he will use these numbers when he forecasts the budget for next year. Tower rent is up about $11k+ to what was budgeted because we picked up the extra contract at the end the year after budgeting. Court fines are a little concerning. We are at 26% and should be at 55%, not sure why that is but he is seeing it across the board at most of his towns. On the highway line you will see $4,990 surplus from the sale of the grader. There are a couple transfers listed below.

**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 Engineer Contractual $3,000.00

A6410.4 Publicity Contractual $9,200.00

TOTAL $12,200.00

From:

A1990.4 Contingent Contractual $12,200.00

TOTAL $12,200.00

2. Highway

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

**Town Board Meeting September 11, 2018 Highway Report**

**Roads:** Repair work on Ortloff Road is 80% complete. Paving ops will commence on Thursday.

Meeting with Engineer on Friday for Cascade Road inspection in order to determine he proper weight limit and Level 2 rating.

Brush Pick up will begin next week. All brush will be ground up late October and recycled into mulch for residents. Free mulch will be available until September 30th.

Annual sand & salt still being delivered for 2018 -2019 Season.

**Equipment:** Paint restoration of plow trucks will begin in October.

**SOTS**: Dependable Disposal has delivered 80% of the trash cans & recycle cans to the Highway for safe guarding. Distribution of the “new” totes to homes will begin September 21. NO TOTES will be available until then.

Lastly, I would like to add a 200’ road extension on the Federal Inventory Road Listing, (Morezak Road extension) However in order to get extra CHIPS funding I need a resolution from the Town Board.

**Town of LaFayette Town Board Resolution**

**ESTABLISHING THE INTENT OF THE TOWN BOARD OF THE TOWN OF LAFAYETTE, COUNTY OF ONONDAGA, REGARDING THE ADDITION OF 200 FEET OF ROAD TO MOREZAK ROAD WITHIN THE TOWN**

**Councilor Dwyer moved and Supervisor Fitzpatrick seconded to accept the Morezak Road extension, whereas the Town Board of the Town of LaFayette, recognizes the fact that the Town of LaFayette will be responsible for the maintenance and repair of said additional 200 feet of road on the Morezak Road extension.**

**Councilor Dwyer moved and Supervisor Fitzpatrick seconded to accept the Resolution as presented. Motion carried 5 – 0.**

**Daniel Fitzpatrick Supervisor Voted Yes**

**Carole Dwyer Councilor Voted Yes**

**Steve Zajac Councilor Voted Yes**

**Melanie Palmer Councilor Voted Yes**

**Michael Johnson Councilor Voted Yes**

3. Town Clerk

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

b. Town Clerk, Jackie Roorda reported that there is a large volume of sales of Department of Conservation sporting licenses as always. The system has been down several times State wide and hopefully those issues have been corrected.

4. Building and Code Enforcement

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

b. Lamson advised that he needs a new printer. Budget Officer Tom Chartrand advised that he has plenty of money in his budget to purchase one. Lamson also advised that he will be out of the office attending classes for Code Enforcement.

5. Justice Court

a. Justices Monthly report for July 2018

84 - Total cases for Judge Perrin; $9,684.00 was taken in for the month of July, 2018.

110 - Total cases for Judge Shute; $9,539.00.00 was taken in for the month of July, 2018.

b. Monthly checklist review of Justice Perrin and Justice Shute’s court records for May and June 2018 were available for the Town Board’s review prior to the regular meeting.

6. Library – The August 13, 2018 Board of Trustees Minutes and July & August 2018 Director’s Reports were available for the Town Board’s review.

7. LCC/Parks & Rec - no report available.

7. LEGAL MATTERS/ATTORNEY/LITIGATION

8. NEW BUSINESS

A. Attorney Gilligan advised that he will be putting together the “Swap Agreement” conveying an easement for and to an unused Town water well at 2849 US Route 11 N and up to $5,000 worth of surface grading work to JO3, LLC in exchange for a 2.13 acre-parcel of land generally located to the south of and adjacent to 2849 Route 11N and which is currently part of 2843 Route 11N (owned by JO3, LLC). He will put that together and get it to the Town Board to review.

B. Councilor Dwyer asked what the status of the RFP for the sale of the ropes course was. Attorney Gilligan advised that he has done nothing as it was his impression that this was on hold. Both Councilors Dwyer and Johnson did not believe that was case. Attorney Gilligan advised that he will begin drawing up the RFP immediately and forward it to the Town Board Members for their opinions. Councilor Dwyer offered her assistance to discuss and put together the R.F.P. (Request for Proposal)

9. OPEN COMMUNICATIONS

1. Resident John 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 his backyard. He wanted to report that in spite of the cease and assist order they are still dumping millings. John Greeley advised that he was told that that they will be moving the millings soon. That they were originally put there for the town of LaFayette & Otisco to use and so that they didn’t have to truck them so far. Mr. Mueller said he understood that and that it was saving the town money but the location was a poor choice. Attorney Gilligan stated that the cease and desist order was not something Ralph Lamson was privy to it was in a confidential email between the town board. Supervisor Fitzpatrick referred to Codes officer Ralph Lamson and asked if they should proceed with the order. Ralph advised, No. They should treat them like everyone else. They have a date of December 1, 2018 to comply with removing the millings, should they become non-compliant then we will move forward with a codes violation and proceed to court if necessary.
2. Mark Chambers spoke with regards to the Puttkamer property. Mike Guy of Quolcor submitted a proposal to do a hazardous material study at the residence for $2,995.00 but he needs board approval. Councilor Dwyer questioned if this was just a study? Mark Chambers advised that this is for him to go into the building, take samples of suspicious material and send to a lab. Mike was in the building about a month or so ago and saw some areas of concern (wall board toward the back entrance, lead paint). The cost of mitigation shouldn’t be too bad based on previous mitigation the town has done. Attorney Gilligan advised that this is a condition of the closing.

**Councilor Dwyer moved and Supervisor Fitzpatrick seconded the motion to allow Mike Guy of Quolcor to complete the asbestos study in accordance with his proposal for $2,995.00. 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**

10. Motion to audit and pay bills.

**General Fund 13170-13198 $ 42,419.50**

**Highway Fund 13199-13215 $ 94,291.95**

**Special District 13217-13219 $ 12,001.25**

**Councilor Palmer 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**

11. Motion to adjourn.

**Councilor Zajac moved Dwyer 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 7:31 p.m.

Respectfully submitted,

Jacqueline Bush Roorda

LaFayette Town Clerk