

Minutes of the Town Board Meeting held by the LaFayette Town Board on January 25, 2010 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette

Present: Adrian Shute, Supervisor
 William McConnell, Councilman
 Andrew Ohstrom, Councilman
 Gerry Doolittle, Councilman

Absent: David Knapp, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
 Kevin Gilligan, Town Attorney
 Tom Chartrand, Bookkeeper
 Tom Dadey, Dadey Insurance, LLC
 Shawn Adam, Assessor Chair.
 Mr. Thoma, Thoma Development Consultants

1. Supervisor Shute called the meeting to order at 6:40 p.m.
2. The Town Clerk took the Roll. Councilman Knapp absent. All else present.
3. Pledge to our U. S. Flag led by Town Councilor Gerry Doolittle.
4. **Councilmen McConnell moved and Ohstrom seconded the motion to accept prior Town Board Meeting minutes of January 11, 2010 as submitted by the Town Clerk. Motion passed.**

Councilmen Ohstrom moved and Doolittle seconded the motion to accept the prior Special Town Board Meeting Minutes of January 18, 2010. Voting was as follows:

Supervisor Shute	Voted	Yes
Councilman McConnell	Voted	Abstain
Councilman Ohstrom	Voted	Yes
Councilman Doolittle	Voted	Yes

Motion carried.

5. **PUBLIC HEARINGS. None.**

The Board moved ahead on the Agenda to Special Reports.

Tom Dadey – Dadey Insurance Agency, LLC.

Tom Dadey was present. He was the town insurance agent for a couple of years and recently left the Brown & Brown Agency and opened his own agency. He has asked Supervisor Shute to consider having him be the broker for the towns current carrier. He asked the Board to authorize

Supervisor Shute to sign the two Broker of Record Letters. The two insurance companies he will send the letters to are NIF Governmental Services, Inc. and Great American Insurance Company.

Councilmen Doolittle moved and Ohstrom seconded the motion to authorize Supervisor Shute to sign the Broker of Record Letters for Tom Dadey to go forward. Motion carried.

Mr. Thoma, Thoma Development Consultants.

Councilman McConnell said we have worked with this group several times throughout the last few years. They were asked to outline a Comprehensive Plan for the town. Mr. Thoma is here to introduce a timeline as well as a cost.

Mr. Thoma said rather than writing the whole proposal over, he just made a couple of changes. The last proposal was for about \$40,000. He took a couple of smaller things out of the workup of charges which allowed us to still have a cost of \$41,750. They would project it being completed around May of 2012. Any billings would be divided over two years. They would schedule their work to fit within the towns timeframe. The grant available is through NYS Dept. of Ag. and Markets. They have a program for the development of agricultural plans for a community. A lot of this is the same type of work we would be doing in the Comprehensive Plan. This would be a funding source for a part of the cost, if we can get the funding. You can apply at any time for this. The state lumps projects together and you might find out in 6 months or later whether or not you get funding. It takes awhile. The grant would be for up to \$25,000.

Councilman Doolittle asked how the Comprehensive Plan Mr. Thoma is proposing compares to what we did a few years ago.

Councilman McConnell said the survey is probably the most important thing we did. It's important to get the opinions from a cross-section of the town. Mr. Thoma is very familiar with the FOCUS 2010 Plan.

Mr. Thoma said they are proposing to use the information from the FOCUS 2010 survey.

Councilman Doolittle confirmed they are not doing a new survey.

Mr. Thoma said they are proposing to use the survey from the residents but do a survey of the businesses. For the public input, they are proposing to have 3 different public sessions to gather the concerns of the residents in the town. They would want to work with the Steering Committee.

Councilman McConnell said when we did FOCUS 2010, he mirrored it like a Comprehensive Plan but it was much smaller.

Councilman Doolittle asked if once the plan is developed, would he be looking for more grant funding?

Mr. Thoma said they could. Once you determine the goals of where you want to go, you can look at how to get there.

Supervisor Shute asked Mr. Thoma to go through the background again for the new members on the Board.

Mr. Thoma said they have worked with municipalities since 1980. They do a lot of grant work. They are based out of Cortland. They are working on about 6-7 Comprehensive Plans for communities. They have a staff of 13 people.

Councilman McConnell said one of the benefits of what Thoma Development Consultants provides is that they will give you recommendations with teeth in them rather than a document with a history in it.

Mr. Thoma said hopefully their goal would be to have this plan used as a guide for the town over the next 10-year period. They would recommend looking at it every 5 years. It should be very beneficial to the Town Board and Planning Board when making policies over the next 10 years.

Councilman McConnell said the issues we have had over the past year or so are zoning in a couple of parts of town and windmills. We have pushed this plan a little in the past two years but we have not continued to push it because of sourcing or outside grants.

Councilman Doolittle asked if the money is available for this.

Supervisor Shute said we will have to talk about that. We had talked a little bit about the money being freed up since the LFD grant came in. Can this money be moved around?

Tom Chartrand said no. We have \$3,500 in the publicity account. The only other area is in the Contingency Fund. He thinks there's around \$20,000 in that account.

Councilman Doolittle asked what would be done during this budget year.

Mr. Thoma said if the town tells him they have "x" amount of dollars in 2010, his company will not bill us for more than that.

Supervisor Shute said we would have to find some money this year but it would be a budget issue for next year.

Mr. Thoma said assuming we stick with our schedule and we finish up in 2012, it would be over 3 years.

Councilman Ohstrom asked if the grant was approved, what kind of time-frame would it be.

Mr. Thoma said if we get going on it in the next month or two, he would hope it would be available in 2010 or early 2011.

Councilman McConnell said Mr. Thoma has said he would apply for the grant and the cost would be \$2,000 to prepare the paperwork.

Councilman Ohstrom said he would definitely support this process. It's more than due. He thinks it would help us form the foundation for good decision making in the future.

Kevin Gilligan said his firm agreed to volunteer 20 hours of pro-bono work which should be a help with the budget as well.

Supervisor Shute thinks we should take the next couple of weeks to discuss this amongst the Board and maybe come up with a plan.

Mr. Thoma said with their schedule this is nothing that would get on right away other than the grant work so this is fine. If the Board needs any further information or would like to come down to Cortland and visit his company, they are welcome to do so.

Supervisor Shute said we received some paperwork from Community Development which he would like to give to Mr. Thoma.

Councilmen McConnell moved and Doolittle seconded the motion to enter into an agreement with Thoma Development Consultants to authorize the Community Development Grant for an amount not to exceed \$700. Motion carried.

Discussion regarding the 5-Year Plan took place. The Board will have this ready for review by the next Town Board Meeting.

Councilmen McConnell moved and Ohstrom seconded the motion to hold a public hearing for the Community Development Grant 5-Year Plan on February 22, 2010 at 6:30 p.m. Motion passed

Councilman Ohstrom asked if we should move forward to apply for the grant for the Comprehensive Plan.

Councilman McConnell said there is no application start and end date for this grant.

Mr. Thoma said there's a resolution the Board will have to pass and a little bit of work his company will have to do. He would think they would have it filed 1-1 ½ months after they get the authorization to go forward. There doesn't seem to be any rhyme or reason for the time of year to apply.

Councilman McConnell thanked Kevin Gilligan for the volunteering of his firms time and Mr. Thoma for being straight forward in what the Town has to do.

Tom Chartrand- Creation of civil service position Custodial Worker I

Supervisor Shute confirmed we need to create a position of a part-time custodian.

Tom Chartrand said in the past the cleaning was done by an elected official so we didn't have to do this. Now the position is being filled by someone other than an elected official so we need to create a new position.

Councilman Doolittle asked if we make this a Civil Service Position, will it have to be posted.

Tom Chartrand said not, it's a non-competitive position.

Councilman Doolittle asked who is doing the cleaning now.

Supervisor Shute said Donna Knapp.

Councilmen McConnell moved and Doolittle seconded the motion authorizing Supervisor Shute to sign the paper work creating the Custodial Worker 1 Civil Service Position. Motion carried.

Tom Chartrand said we are still hanging on to the land surveyor check. Do we have the markers for the Beach area up?

Leon Cook said nobody has called him.

Tom Chartrand asked if we should continue to hold the check.

Kevin Gilligan said it's up to the Board but he would.

Supervisor Shute said he will contact the surveyor.

Tom Chartrand said we opened up a town credit card last year to authorize the satellite dish. We should probably have a Board motion to close the credit account.

Councilmen Ohstrom moved and McConnell seconded the motion to close the Town Credit Card Account. Motion carried.

6. COMMUNICATIONS.

A. Residents.

B. Mr. John Russo re: ATV Right of Way.

C. Watson's Memo re: Zoning Ordinance amendment for signs.

Supervisor Shute said he thinks they would like to see us differentiate between a business sign and a direction sign for a business off the beaten path.

Kevin Gilligan said you can't write this for just one person. You have to think about how many other businesses off the beaten path might come forward requesting this. Is that a concern? If it is, how do you want to address some of these situations? You could put it through some sort of Specific Permit.

Member Doolittle said we have a sign ordinance. How about businesses located on a road but they can't put a sign on the road so they want to put a little sign out by the road with a direction arrow to their business which is located right on the road?

Kevin Gilligan said a Specific Permit in the Ordinance could address this as it allows you to put the conditions in the approval.

Councilman McConnell commented on Kevin Gilligan's statement that you can't write this for one person. Will there be others that would come forward for this?

Supervisor Shute would request we consult with the Zoning Board of Appeals on this.

Kevin Gilligan said you might want to get input from the Planning Board too.

Supervisor Shute said it doesn't have to be done today.

Kevin Gilligan would get back to the applicant and let them know the Board is looking at this.

D. Haiti Earthquake Relief.

E. Syracuse-Onondaga County Planning Agency re: Agricultural District One 2010 Review and Recertification.

F. NYS Canal Corporation

G. Memo from Kevin Gilligan re: Hydraulic Fracturing.

H. Memo from Mary Jo Kelly re: unpaid fees.

Mary Jo said this deals with outstanding application bills since 2003.

Tom Chartrand said in the past, we put something in the motion stating if any further work is to be done on the property, they would have to pay these fees.

Councilman Ohstrom would support this with the premise that if they should come forward again, they have some bills they must pay.

Councilman McConnell would agree.

Councilmen McConnell moved and Ohstrom seconded the motion to not pursue the collection of fees at this time of the following property owners: Mrs. Albanese (\$410.00) (006.-02-13.0) , Tim Gilchrist (\$263.50) (Tax Map No. 018.-01-14.0) and Welch/Morgan (\$378.00) (013.-06-02.1) with the understanding that no future applications for these properties will be accepted until the outstanding fees due are paid. Motion carried.

Councilman McConnell asked if the board would like a letter sent to these people advising them of the consequences.

The Board was in agreement with this.

I. Other.

Supervisor Shute said he received communication today from the NYS DEC talking about reporting if we are withdrawing water. He doesn't believe we are. If anyone is, it would be the LFD and they are their own organization.

Kevin Gilligan can check on this. He thinks it deals mostly with municipal wells.

Councilman McConnell noted it states "any institution that draws 1,000 gallons a day..."

Supervisor Shute said O.K., we don't do that so this can be ignored.

7. SPECIAL REPORTS.

Discussed earlier.

The Board returned to Communications.

8. REPORTS.

A. Departmental

1. Assessors

Shawn Adam said for the next month, the emphasis is on renewing the exemptions. Mr. Stirpes's article in the LaFayette Newsletter confused people as they thought they had to apply every year for the STAR. Marshall Taylor follows up with the folks getting the exemptions.

They did some field work in October and November. They put values on what they had done. They will probably have a handful more to do.

2. Building & Zoning Code Enforcement

- a) **3231 Webb Road. House in disrepair (spring cleanup).**
- b) **Oschner Road – junk.**
- c) **Other.**

Written report submitted.

3. Dog Control: Jim Moore & Doug Scholes.

4. Highway Superintendent: Leon Cook.

Leon Cook said in the last two weeks they have only had to go around 12 times which gives them a little break.

The # 2 truck had the transmission go on it again. Koerner Ford put this one in. It was under warranty. They took it back to Koerner. The factory rep. came out and looked at it and they had it in to Summit Ford as Koerner wasn't helping. The factory rep red-tagged it so Koerner had to take care of it. He had it at Koerner Ford again the 6th of January. The guy kept giving Leon the run-around. He shopped around and Nye Ford said they would take a look at it

right away. They said the transmission was gone and couldn't be repaired. It's under warranty. After they got the transmission in, it wouldn't test out. The wiring harness that goes from the transmission to the computer was all corroded. He thinks this is what was causing a lot of the problem and no one else picked it up. The harness and labor cost \$211 as it wasn't covered under warranty.

He had a little situation today with water. Bear Mt. is under water. It's almost impossible for people to get in and out down there. There's not much you can do about it. When that creek rises, it floods Tully Farms Rd. and our road. There's so much stuff in the creek down there that it just doesn't flow. He asked Soil and Water a couple of years ago to see what they could do. He guesses he will have to get something going again on this. There's a pipe on Commune Rd. that takes care of water all the way from LaFayette Rd. It works fine in normal rain but when we get rain like we had today and the snow thawing, the water gets going so fast it washes dirt and gravel down. They had to clean out in front of it today to keep it going.

Leon discussed the ditching machine. Oil started leaking all over the floor. He tried to get more than one estimate to fix it. It takes special tools and sleeves to do this swivel and the hydraulic valve. He could only get one estimate.

Councilmen McConnell moved and Ohstrom seconded the motion to waive the Procurement Policy as only one estimate could be obtained to fix the ditching machine in the amount of \$7,610. Motion carried.

Councilman Doolittle asked if there was anything we could do about the towing charge as the transmission was under warranty with Koerner who didn't do anything about it.

Leon Cook said the warranty will cover one tow charge. They paid for taking it from Koerner Ford to Oneida.

Councilman Ohstrom agreed with Councilman Doolittle but doesn't know what we can do about it.

Supervisor Shute asked what the chance of Koerner paying for the towing bill is.

Leon Cook said it would have to go through the factory.

Councilman Doolittle said he wasn't talking about not paying Walburger for the towing but just felt it was Koerner Ford's fault that we had to do the second towing.

5. Justice Court

a. Monthly report – December 2009.

Written report submitted.

6. Library Director

a. Monthly report – December 2009.

Written report submitted.

7. Recreation Director

a. Monthly report – January 25th.

Written report submitted.

8. Ropes Course

9. Tax Collector

10. Town Clerk

11. Town Supervisor

A. Committee.

1) Community Development .

Councilman McConnell said he and Supervisor Shute are on this committee. They have discussed priorities. They set up a visit to the Town of Hamilton which they would like to include the Town Board on. The visit will be February 22nd from 10:00 a.m. to noon.

Supervisor Shute asked if this had to be posted as a special meeting.

Kevin Gilligan will check on this. Basically it's a fieldtrip.

2) Emergency Response.

3) Employee Policies & Benefits .

4) Environmental & Conservation Advisory Board.

Supervisor Shute said he talked to Rainer Brocke about getting together with the Town Board to give us their thoughts on the hydraulic fracturing.

5) Highway

6) Physical Plant .

a. Town offices - Loose clapboards – estimate needed.

Councilman McConnell said we had a leak today above the circulation desk at the Library. He said Mary Jo called Fred Groth.

Supervisor Shute said Fred Groth called Councilman Knapp. Fred looked it over and thinks it's basically caused by the high wind blowing the rain in at a certain angle.

7) Recreation & Youth

8) Safety.

Councilman Doolittle said the Safety Committee had a meeting. There were 3 exit light signs at the Community Center that the bulbs weren't working on. There was a large table in the main room that was broken.

Leon Cook said the table was fixed the day after the meeting.

Councilman Doolittle said there's a sign of leakage in the ceiling of the Community Center. We will wait until the snow is gone to look into it.

Councilmen Doolittle and Ohstrom drew up some guidelines for usage of the Community Center and the Parks.

Supervisor Shute said we have to pull the merry-go-round out of the parks.

Councilman Ohstrom asked if we should post them off limits until spring when Leon Cook can get them out.

Supervisor Shute said the Optimist Club will be buying a new one for Stafford Park. Do we need to put tiles in down there to dry it out?

Leon Cook said you could. It will cost a little bit to do this.

Supervisor Shute thinks when the weather is accommodating, we could yank those two merry-go-rounds out.

Leon Cook said the one in Cardiff will probably result in a couple of phone calls.

Councilman Doolittle asked what the status of putting a parking lot in at Bailey Park is.

Supervisor Shute thinks we should just forget it for now.

Councilman Doolittle asked if we can appoint the person who does the cleaning at the Community Center to check the smoke detectors once a month.

Supervisor Shute said Herb Salladin use to check them whenever we reset the clocks. He thinks twice a year is good. He will check with Phil DeSaw about doing this.

Councilman Ohstrom said he and Councilman Doolittle worked on a packet for Community Center and Park usage. The declaration in the policy is really to protect the Town from situations that could arise.

Councilman Doolittle said basically it was a rehash of the rules that were already in effect. There's a checklist for the applicant to go through before getting his refund back.

Supervisor Shute said it might be good to have JoAnn Moore have the checklist too when she is checking the Center/Parks.

Councilman Doolittle said in the old rules there were specific amounts of alcohol listed. He doesn't know if that is a good idea or if we should just have a general alcohol policy.

Supervisor Shute would suggest we all come to the next meeting with any comments or changes and be prepared to vote on this.

Leon Cook said February 12th, PESH is coming to inspect the Highway Garage. He invited Tom Rezsnyak to come in today and he spent from 9:00 a.m. to Noon going around the garage so hopefully everything is taken care of before the inspection is done.

9) School District liaisons.

10) Service Awards.

a. List of Qualifying Members and points earned.

Councilman McConnell said a list of the qualifying members was given to the Board. This gets posted at the LFD for 30 days for their review and protest or agreement. In February they will bring the list to the Town Board for approval. There are 8 people on the list who are retired and still participate. He reviewed the process for filing the names which has changed a little.

Kevin Gilligan asked if it requires a mandatory referendum for the changes. If we are rewriting the plan, a referendum is needed.

Councilman McConnell said he doesn't think so. They are checking on this.

Kevin Gilligan said the statute does say if you make any changes in the plan, it requires a mandatory referendum.

Councilman McConnell said it's more of a procedural change.

Tom Chartrand said the 1099's were mailed out on Friday.

11) SOTS & OCRRA Liaison .

Tom Chartrand said Feher did accept a 1-year extension for the contract with no increase.

12) SPDES

9. LITIGATION & OTHER LEGAL MATTERS.

A. LaFayette Beach.

B. Other.

Councilman Doolittle asked who inspects the Ropes Course.

Councilman McConnell said it's a gentleman from Texas. He schedules the inspection along with some other ones when he comes up so it saves us a little money. He inspects all the equipment.

Councilman Doolittle asked about the rest of the course.

Councilman McConnell thinks he is primarily there for the equipment and outline of the course.

Councilman Doolittle asked if someone from the town should check out the parking lot, etc.

Councilman McConnell thinks it might be a wise decision to have Tom Rezsnyak go down there and do an inspection of the property.

Councilman Doolittle will get with Tom on this.

10. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. Community Development Grant app – 2008

B. Stimulus projects.

- 1) **LaFayette Hamlet Sewer District.**
 - **District area boundaries and size.**

C. Association of Towns Resolutions.

Councilman Doolittle asked about the mandate relief.

Kevin Gilligan said generally speaking, the state passes a lot of legislation and dumps the cost onto the towns.

Councilmen McConnell moved and Doolittle seconded the motion authorizing Councilmen Ohstrom to vote in support of the Association of Towns Resolutions at the Annual Association of Towns Meeting. Motion carried.

11. NEW BUSINESS.

A. Rx zoning classification – Comprehensive Plan.

B. LVFD Grant Money

C. Other.

Supervisor Shute said we have received the Sheriff's Dept. contract for 2010.

Councilmen McConnell moved and Ohstrom seconded the motion authorizing Supervisor Shute to sign the 2010 Agreement with the Onondaga County Sheriff's Dept. Motion carried.

12. Suggestions for improvement and positive contributions.

13. Executive session (if needed).

14. Councilmen McConnell moved and Ohstrom seconded the motion to audit and pay the following bills:

GENERAL FUND	# 5191 – 5230
HIGHWAY FUND	# 5161 - 5190

Motion carried.

15. Councilmen McConnell moved and Doolittle seconded the motion to adjourn. Motion passed.

The Town Board Meeting adjourned at 8:16 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Adopted 2/8/10