

Minutes of the Town Board Meeting held by the LaFayette Town Board on February 22, 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
 David Knapp, Councilman
 William McConnell, Councilman
 Andrew Ohstrom, Councilman
 Gerry Doolittle, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
 Kevin Gilligan, Town Attorney
 Tom Chartrand, Bookkeeper
 Tom Dadey
 Jim Moore, D.C.O.
 Larry Paige
 Cherie Falso
 Michael Spellman
 John Harper, Jr., L.F.D.

1. Supervisor Shute called the meeting to order at 6:32 p.m.
2. The Town Clerk took the Roll. All present.
3. Pledge to our U. S. Flag led by Town Councilor Bill McConnell.
4. **Councilor's Knapp moved and Ohstrom seconded the motion to accept prior Town Board Meeting minutes of, February 8, 2010 as submitted by the Town Clerk. Motion passed unanimously.**

5. PUBLIC HEARINGS. Community Development Grant 5-Year Plan.

Councilor Knapp said basically in order to apply for the Community Development money which we have been fortunate to get the last couple of years, we have to have a 5-Year Plan which requires a Public Hearing. We work closely with the Optimist Club who manages the property. They have a committee that we work with to try to decide the direction that we want to go with the parks. The items listed on the 5-Year Plan are items we have highlighted. He has met with folks at Thoma who are helping us with the grant. The 3 parks are all listed on the 5-Year Plan. This money is largely based on an income survey of the area and Stafford Park is the one that qualifies for this funding.

Cherie Falso asked what the income level is.

Tom Chartrand said the county actually sends us a letter and a map and they color in the areas that qualify.

Councilor McConnell said it's about \$44,500.

Councilor Knapp said the Board would love to have input or ideas.
There were no further questions or comments.

Councilor's McConnell moved and Knapp seconded the motion to close the Public Hearing. Motion passed unanimously.

6. COMMUNICATIONS.

A. Residents.

B. Jamesville-Dewitt High School Operation Graduation Thankyou.

C. Onondaga County Health Dept. Ground Water.

Councilor Knapp said we should get a copy of this to the Library.
Councilor Doolittle said Scott checks the water and wondered if we need to have someone who is certified do this.

Councilor Knapp said Scott tests the water and if there is a problem with it, we call Shutes.

D. National Grid – Maintenance Activities.

E. Community Development – Request for letter of support.

Supervisor Shute said Community Development and Southern Hills have both sent us requests for letters of support.

Councilor's Knapp moved and Ohstrom seconded the motion to write a letter of support for the Onondaga County Community Development Division. Motion passed unanimously.

Councilor's Knapp moved and McConnell seconded the motion to write a letter of support for Southern Hills Preservation in their search for Community Development funding for local housing programs. Motion passed unanimously.

F. Other.

The Board moved ahead on the Agenda to LOSAP.

John Harper said the list has been posted for 30 days. As of tonight this is ready to be approved as the Board has it. 37 made the points. 10 are of the entitlement age.

Councilor Knapp asked how this compares with last year.

John Harper said about the same.

Councilor's McConnell moved and Knapp seconded the motion to accept the list with posting date of 1/18/2010 as it was submitted by John Harper upon entry of the information into the system. Motion passed unanimously.

Tom Chartrand confirmed the Board was not preauthorizing payment to BPA.

Councilor McConnell said a bill will come from BPA.

7. SPECIAL REPORTS.

A. Tom Dadey, Insurance.

Tom Dadey was present. He made a presentation on behalf of Dadey Insurance.

Larry Paige said he is here for information only. The last time he was here, he asked what the future might hold for hydrofracking. He felt like he hit a dead end. The attorney said there's nothing the town can do. He brought an article in about the Town of DeWitt which the Supervisor stated the Town needs to introduce some laws on hydrofracking. Is our attorney mixed up on this?

Councilor Ohstrom said he attended the Association of Towns Conference in New York City and they had a hydrofracking seminar. It was pretty neat as you had the second in command from the DEC, representatives from the petroleum and gas companies, representative of a town near the Pennsylvania border, etc. He got to hear all the perspectives. He said the DEC supercedes all town jurisdiction with this. With that, there are some other things that go on with the petroleum people and folks from USGS. The most desirable area to drill is one where they have to go down 2,000 feet or less. It appears from Ithaca up, it's the least desirable area to drill. The land rights are such that an individual landowner owns the rights to the property beneath them. If there's laws that change that and restrict peoples rights to make money or sell or use that land, people can sue the state or seek compensation for not being able to reach the gases. There was a representative from a town on the Pennsylvania border who stated the proactive steps they are taking. What the representative has found is that you can address your road usage polices to be defined so as to be sure the infrastructure is acceptable or not acceptable for these vehicles. You can get Special Use Areas that are Environmental Special Uses. You can look at your emergency fire services. There is an expertise that must go along with hydrofracking. It looks like this is going to be consumed in a lot of legal proceedings for a long time. Once the DEC is done with their final writing which they said would be last week, there are about 13 agencies which must have time to comment on the final writing. The town and county are discussing laws for their own town or county property.

Larry Paige said a property owner owns the property he sits on. Eventually his property will run into someone else's property. Somewhere along these lines, hydrofracking could cross over onto his property. He doesn't understand why all these other towns are still pursuing a moratorium on hydrofracking in their towns.

Kevin Gilligan said they either didn't get good legal advice or didn't listen to it.

Supervisor Shute said the DEC hasn't come out with the regulations yet.

Kevin Gilligan said when someone comes in and wants to drill and you have a moratorium in effect, your moratorium is not enforceable.

Larry Paige asked if he couldn't start a quarry behind his house and say to heck with the town.

Kevin Gilligan said no. There are different rules for different uses.

Larry Paige asked about windmills.

Kevin Gilligan said the town passed local legislation on this and lifted the moratorium.

Larry Paige asked why the DEC regulates hydrofracking then.

Kevin Gilligan thinks it's because there's money involved.

Councilor Ohstrom said from the conference and the guy from the town south of here, it sounds like they haven't passed any legislation in his town but they have tried to basically control it. Hydrofracking seems to be unique. People who attended the seminar wanted to know what they could do to stop it. They had the same fears that everyone else does. He thinks the people dealing with these issues feel very powerless at the local and county level.

Larry Paige is concerned that if they start hydrofracking in this town and there is one mistake or one accident, this town is bankrupt. There's no way to truck in enough water for the schools, etc.

Councilor Ohstrom said he came away from the conference with the feeling that this thing is such a mess there's no way it will be starting in the next year.

Larry Paige feels it's a serious enough issue that the Board should be pressing the state and federal representatives showing our concern.

Councilor Ohstrom said there was a formal resolution sent from the Association of Towns to the DEC and the Governor regarding their overwhelming concern about this.

Councilor McConnell asked Councilor Ohstrom to get the Board a copy of the resolution and to send one to Larry Paige.

Councilor Ohstrom will do this.

Councilor Knapp asked if Kevin Gilligan will call the attorney for DeWitt just to see what he says.

Councilor McConnell asked Kevin to give Larry a call when he hears back from the DeWitt attorney.

8. **REPORTS.**

A. **Departmental**

1. Assessors

2. Building & Zoning Code Enforcement

a) 3231 Webb Road. House in disrepair (spring cleanup).

Supervisor Shute said Barbara Locke of Southern Hills said they are doing the roof now and as soon as they sell their other house, they will be working more on this one.

b) Other.

3. Dog Control: Jim Moore & Doug Scholes.

* Letter to Animal Emergency Center renewing agreement.

Jim Moore needs a signature form the Supervisor to renew our agreement with the Emergency Medical Center in DeWitt. He thinks in the past 3 ½ years, he has taken 3 dogs there.

Councilor's Knapp moved and McConnell seconded the motion authorizing the Supervisor to sign the letter to renew the Town's agreement with Veterinary Medical Center of Central New York. Motion passed unanimously.

4. Highway Superintendent: Leon Cook.

Leon Cook said since the last meeting they went around 14 times. They got the ditching machine back. It shows to be in good shape.

They had their inspection. One thing the inspector did say is that he couldn't find much wrong. He said our Safety Officer is doing a good job. He is going to give us a letter with 4 suggestions:

- 1) The plow blade rack needs to be rated.
- 2) The 5-gal. cans in the hallway need to be moved. (Leon did this while the inspector was there.)
- 3) Another "Emergency Shutoff" sign placed outside the Highway Dept. door where the emergency shutoff is located.
- 4) An air test on the back part of the garage might be needed. The inspector is going to check on this.

Councilor Knapp asked about the new Workplace Violence Policy.

Leon said the inspector said he couldn't believe our paperwork was so up-to-date. He said John Greeley, Mary Jo and Tom Rezsnyak all worked on these things.

Councilor Knapp asked how we are with the salt.

Leon Cook said we will have to order some more. He is hoping the weather will change.

5. Justice Court

- 1) Written January Report submitted.

6. Library Director

- 1) Written January Board Minutes and Director Report submitted.

7. Recreation Director

- 1) Written report submitted.

8. Ropes Course

9. Tax Collector

10. Town Clerk

11. Town Supervisor

- 1) December Transfer Appropriations.
- 2) December Report.
- 3) January Report.

Written reports for all above submitted.

Councilor Knapp asked how we ended up the year.

Tom Chartrand reviewed the end of year balances. Overall, we're down about \$100,000 from where we were last year. We used about \$100,000 to reduce taxes for this year.

B. Committee.

- 1)Community Development

Councilor McConnell said he appreciated everyone who went to visit Hamilton

today. Bernie Thoma gave him a time-line to follow as we get into the summer. He will take the information from the D.O.T. proposal for the center of town and he will get something drafted up to the D.O.T. and circulate it to the Town Board for review by the end of the week.

Councilor Knapp said the corner building is in limbo largely because the D.O.T. right-of-way goes 6' into the building. As long as this D.O.T. project is sitting out there, we can't get any funding to fix it. We are attempting to get someone's attention as to what they propose to do. Do they propose to go forward at some point in time or not.

Councilor McConnell said he and Mark Distler have talked a lot about what they would like to do about the beautification projects for the town.

Councilor Knapp asked if the Environmental & Conservation Advisory Board is going to get back to the Town Board on hydrofracking.

Supervisor Shute said they are meeting on it tonight.

Councilor Knapp doesn't think the DEC has ever been business friendly so he doesn't think they will be any different now.

2)Emergency Response.

Councilor McConnell said Tom Bailey is still working on an Emergency Response Plan with the right people to contact. He will get this to Mary Jo.

3) Employee Policies & Benefits .

Mary Jo said we need to add the Library to the Workplace Violence Policy.

4) Environmental & Conservation Advisory Board.

5) Highway

6) Physical Plant .

a. Town offices - Loose clapboards – estimate needed.

b. Guidelines LaFayette Community Center and Parks Usage.

Councilor Doolittle said the Community Center needs to be painted on the outside.

Supervisor Shute said Phil DeSaw was proposing to paint the south and west side this year.

Councilor Doolittle said he has received two quotes regarding building a room in the back of this room to store historical documents and removing 1/2 the wall in the Town Clerk's Office. Steve Zajac submitted a proposal for a 10' x 12' room with fire rated walls and door for \$2,975. The removal of the wall in the Town Clerk's Office would be \$800. H.K. General Contracting submitted a quote for the 10' x 12' room at \$2,650 and for the Town Clerk's Office it would be \$800.

Councilor McConnell agrees totally with the preservation of the historical documents but he isn't sure that logistically we aren't taking away space that we sometimes use.

Supervisor Shute said he thinks Greg Titus said there's 6-8 filing cabinets worth of material. He thinks Greg was concerned about making the information available for the residents.

Councilor McConnell wouldn't mind moving forward with the Town Clerk's Office but would like to see what Greg Titus needs.

Discussion took place regarding having locking file cabinets.

Councilor Knapp said he has to give Roy Dodge credit for all the work and dedication he had given to this project. It's been a lifetime project.

Supervisor Shute said he can appreciate how nervous Roy is about keeping this stuff safe.

The Board felt it would be nice to do a dedication plaque for Roy.

Tom Chartrand asked if both bids have prevailing wage in them.

Councilor Doolittle said they both work for themselves and have no employees.

Supervisor Shute said he can speak for Steve Zajac's draftsmanship.

Councilor's Knapp moved and Ohstrom seconded the motion to accept Steve Zajac's bid in the amount of \$800 to remove ½ the wall in the Town Clerk's Office. Motion passed unanimously.

Councilor Ohstrom said the only thing we had to add to the above facility usage guidelines was the Alcohol Policy. He reviewed the policy with the Board.

Councilor Knapp asked if we have coverage for drinking at town facilities.

Tom Dadey said you have a liquor coverage for a special event.

Kevin Gilligan asked about the incident where someone drives away from the party and kills someone. He thinks as we are not serving the alcohol, we would be O.K. He doesn't think we are responsible but could end up in the mix at a cost of \$20,000 - \$30,000 for defense.

Councilor Doolittle asked what the difference in this is rather than stating no alcohol on the premises and people still bringing it in.

Kevin Gilligan said you might be able to defend yourself a little better but you don't know how the judge will decide. He thinks the best thing is to be sure we have insurance coverage.

Councilor's Knapp moved and Doolittle seconded the motion to adopt the Guidelines for LaFayette Community Center Usage including the Beverage Policy. Motion passed unanimously.

Councilor's Knapp moved and Doolittle seconded the motion to accept the Guidelines for LaFayette Parks Usage including the Beverage Policy. Motion passed unanimously.

7) Recreation & Youth

8) Safety.

Councilor Doolittle said in December 2008 there was a letter sent to the town stating we had received a grant for construction to be done in the Justice Dept. He doesn't know if they have received this money yet or not.

Councilor Knapp said it could be still sitting in the Comptroller's Office.

Councilor Doolittle said the letter stated the Supervisor should be receiving a check in 2009.

Tom Chartrand said we did receive \$600 for equipment. In 2009 the Justice Dept. received approximately \$230 and they purchased a shredder with it. No other town he works for has received anything on the audit.

Councilor Doolittle will check with Maureen Perrin on this.

9) School District liaisons .

Councilor Knapp would like to thank Peter Tigh and Tom Goskoski for taking us over to Hamilton today and providing us with the transportation. They added a lot to the trip.

10) Service Awards.

Councilor McConnell said we have to do the audit again this year. Does the Board want him to go with the Hartford again?

Councilor Knapp asked when it has to be done by.

Councilor McConnell said it must be done by June 1st.

Councilor Knapp will check with someone he knows by the next meeting.

Councilor McConnell said he was not happy last year with the process which is so simple and the cost to do it is high. We still don't have an answer from the letter he wrote to Senator DeFrancisco's Office. It was about \$4,000 to do this last year and they estimate it to be about \$5,000 this year.

11) SOTS & OCRRA Liaison .

12) SPDES

Councilor McConnell will update the Board on the annual report.

9. LITIGATION & OTHER LEGAL MATTERS.

A. LaFayette Beach.

B. Other.

Leon Cook said about a year ago, the state did an inspection on our bridges. They inspected Walburger Bridge and had it down that LaFayette owned this bridge. He would ask the Board to have our attorney get in touch with East Syracuse to be sure this is off our records and back on theirs. East Syracuse owned the bridge at first when the well was on the other side of it and the caretakers house. The county took it over and then East Syracuse didn't follow the weight limit on the bridge so the county gave it back to them. He just wants to be sure it's off the towns ownership.

Kevin Gilligan would guess we have to get a copy of what was given to the town.

Leon Cook said we have never had anything given to the town about this.

Kevin Gilligan said they will need to get a copy of the inspection report and then they can contact the county to see why it went back to the town. The town never took possession over the bridge. He confirmed there is nothing beyond the bridge other than the well.

Leon Cook said nothing other than the well and the caretakers house which no one lives in anymore. The road stops at the beginning of the bridge.

Kevin Gilligan would recommend putting a sign up that the road ends at the bridge.

The Board returned to the Beach Property.

Kevin Gilligan reviewed the title insurance figures. It's cheaper to buy the title insurance than to hire his firm to go through and plot everything out. You would save yourself \$500 - \$1,000.

Supervisor Shute asked what could go wrong.

Kevin Gilligan said one of the Amidon's could claim ownership of some or part of the property.

Supervisor Shute is wondering if we need it at all. We are only buying the property for \$1.

Councilor Doolittle said once you own it, you are responsible for it.

Councilor Ohstrom confirmed there is no expiration on our title insurance. He noted this property borders 8 other properties. Any one of those property owners could say they own part of the land.

Councilor Doolittle said he is in favor of getting this coverage.

Councilor McConnell would think the minimum coverage would be sufficient.

Councilor Ohstrom would say yes to title insurance.

Councilor's Doolittle moved and McConnell seconded the motion to purchase title insurance in the amount of \$614 for \$100,000 coverage. Motion passed unanimously.

Councilor's Ohstrom moved and Doolittle seconded the motion to accept the following Resolution regarding the Town Beach property:

RESOLUTION

TOWN OF LAFAYETTE TOWN BOARD

Accepting Title to Lafayette "Beach" Property from Lafayette Community Council, Inc.

FEBRUARY 22, 2010

WHEREAS, the LaFayette Community Council, Inc. ("Community Council") has contacted the Town of LaFayette, ("Town") inquiring whether or not the Town would be interested in accepting title to the so-called "Beach" property located at 5553 Amidon Road, and located on the North side of Amidon Road, approximately 934 feet west of the intersection of Amidon Road and Webb Road in the Town; and

WHEREAS, the Town Board indicated its willingness to consider this conveyance at no cost to the Town; and

WHEREAS, the Community Council has provided to the Town, a proposed deed, an abstract of title, a tax search, an original staked survey of the property along with supporting documents; and

WHEREAS, the Town has reviewed an environmental assessment form (eaf) in connection with this transaction.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that there are no other involved agencies, the Town Board shall act as lead agency and the proposed action is an unlisted action for purposes of the State Environmental Quality Review Act (SEQR); and it is further

RESOLVED AND DETERMINED, that there are no identified adverse environmental impacts to be experienced from this action and the Town Board therefore renders a negative declaration for purposes of SEQR; and it is further

RESOLVED AND DETERMINED, that this Board has the following reasons for this negative declaration and makes the following findings in support thereof:

- 1 This property was acquired by the Community Council in 1952 and has been developed over the ensuing 58 years as a park and recreational facility.

- 2 The Town has joined with the Community Council in developing the site.

- 3 Town ownership of the site will facilitate upkeep and potential funding opportunities.

- 4 No immediate changes are planned, the proposed action is a change in ownership only.

and it is further

RESOLVED, that the Town Board hereby authorizes acceptance of title to the so-called “Beach” property from the Community Council; and it is further

RESOLVED, that the Supervisor is hereby authorized to take any and all actions and sign all necessary documents to give full force and effect to this resolution.

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

Jerry Doolittle, Councilman	Voted	Yes
Andrew Ohstrom, Councilman	Voted	Yes
William McConnell, Councilman	Voted	Yes
David Knapp, Councilman	Voted	Yes
Adrian Shute, Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

10. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. Community Development Grant app – 2010

The Board reviewed the SEQR.

Councilor’s Knapp moved and McConnell seconded the motion accepting the following 5-Year-Plan and approve the grant application for 2010 and authorize Councilor Knapp to take any and all steps necessary and sign all documents necessary to submit our 2010 application.

**Town of LaFayette Consolidated Five-Year Plan
For
Community Development Block Grants**

1. Stafford Park Improvements

Objective:

Improve recreation opportunities for local residents.

Tasks:

a.	Additional screening for noise reduction along Route 81	\$25,000
b.	Install additional playground units	\$40,000
c.	Construction of lacrosse box and lighting	\$40,000
d.	Improve/construct additional drainage in wet areas	\$15,000
		<u>\$170,000</u>

2. LaFayette Beach Park Improvements

Objective:

Repair and upgrade existing park infrastructure to provide improved swimming and recreation opportunities for local residents.

Tasks:

a.	Complete construction of bath house/restrooms	\$30,000
b.	Install new playground unit	\$45,000
c.	Grading and landscaping improvements	\$10,000
d.	Pave gravel parking area	\$35,000
e.	Install park fencing	\$30,000
		<u>\$150,000</u>

3. Bailey Park

Objective:

Improve recreation opportunities for local residents.

Tasks:

a.	Install new timber playground unit.	\$40,000
b.	Install new pavilion	\$15,000
c.	Grading and landscaping improvements	\$10,000
d.	Construct and pave parking areas.	\$20,000
		<u>\$85,000</u>

4. Stafford Park Youth Recreation Center

Objective:

Provide an indoor gathering and recreation space for local youth.

Task:

Construct a 2,000 to 3,000 square foot heated recreation facility with kitchen and bathrooms.

\$200,000

Above motion passed unanimously.

B. Stimulus projects.

1) LaFayette Hamlet Sewer District.

- District area boundaries and size.

C. Email from Judy Breselor of NY Plan. Fed. Re: Training.

Mary Jo said she received an email from the NYS Planning Federation regarding the Training for Planning Board and ZBA Members. The cost is \$800 for 4 hours for up to 15 members and \$1200 for 4 hours for up to 30 members. She asked if the Board wanted her to open this up to the neighboring towns to share in the cost.

The Board was in favor of this.

Councilor's Ohstrom moved and McConnell seconded the motion to provide training for our ZBA Board and Planning Board Members not to exceed \$1,200. Motion passed unanimously.

11. NEW BUSINESS.

A. Rx zoning classification – Comprehensive Plan.

Supervisor Shute said we got something from Thoma on this.

Councilor McConnell said this is the agreement with Thoma. He would recommend Supervisor Shute read through it and we can make a decision at the next meeting.

B. Review Draft Revised Zoning Map.

C. Other.

12. Suggestions for improvement and positive contributions.

13. Executive session (if needed).

Councilor Knapp moved and Supervisor Shute seconded the motion for the Board to go into Executive Session to discuss a contractual matter and to include the Town Attorney. Motion passed unanimously.

The Town Board went into Executive Session at 8:55 p.m. and Supervisor Shute called the Regular Town Board Meeting back to order at 9:38 p.m.

Councilor’s McConnell moved and Doolittle seconded the motion to accept the Skeele Insurance quote and to authorize the Supervisor to sign any agreements. Motion passed unanimously.

Councilor’s McConnell moved and Ohstrom seconded the motion to authorize payment for the Town insurance not to exceed \$31,729.19 if needed. Motion passed unanimously.

14. Councilor’s Doolittle moved and Knapp seconded the Motion to audit & pay the following bills:

GENERAL FUND	#5362 – 5368 & 5390
HIGHWAY FUND	# 5391 – 5402 & 5405
TRUST & AGENCY FUND	# 5403 - 5404

Motion passed unanimously.

15. Councilor’s McConnell moved and Knapp seconded the motion to adjourn. Motion passed unanimously.

The Regular Town Board Meeting adjourned at 9:41 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Corrected 3/8/10 “craftsman” in lieu of “draftsman” on page 7.
Adopted 3/8/10.