

December 10th, 2012 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Regular Meeting held by the LaFayette Town Board on December 10th, 2012 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
 Jerry Doolittle, Councilman
 Andrew Ohstrom, Councilman

Recording Secretary: Jacqueline Roorda, Town Clerk

Others Present: Wendy Reese, Attorney
 Kevin Gilligan, Town Attorney, tardy
 Thomas Chartrand, Town Bookkeeper
 Ralph Lamson, Bldg. & Code Enforcer
 John Greeley, Highway Superintendent
 Nancy Mueller, Hydrofracking Chairperson
 Jeff and Marla Cohen
 Joseph Jerry, Attorney
 Joe Kurr
 Sal Sciuga, Sciuga Custom Homes

1. Supervisor Shute called the meeting to order at 6:31 p.m.
2. The Town Clerk took the Roll. Councilman Zajac absent.
3. Pledge to our U. S. Flag led by Town Councilman McConnell.
4. **Councilman Doolittle moved and Ohstrom seconded the motion to accept November 12th, 2012 Town Board Meeting Minutes as submitted by Town Clerk, Jackie Roorda.**

The vote was as follows:

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

Motion carried.

5. COMMUNICATIONS

A. Paul Morgan, SPCA Executive Director presented the information with regard to the Animal Cruelty Contract that was initiated in 2012, in order to offset the decrease of \$30,000.00 in the contract with Onondaga County. It basically breaks down to \$.09 per person in each Municipality. He explained that when law officials receive a call regarding animal cruelty, abuse, neglect, etc., they investigate and then notify the SPCA. SPCA removes the animal, feeds provides shelter and any other needs with regard to caring for the animal in question. He further advised that last year LaFayette placed 14 calls to the SPCA. A brief question and answer session took place and Supervisor Shute and the Town Board thanked Mr. Morgan for his presentation.

B. Highway Shared Services Contract

Councilman McConnell moved and Doolittle seconded the motion authorizing Supervisor Shute to sign the 2013 Agreement to Share Services between the People of the State of New York and the Town of LaFayette for the Period of October 1, 2012 to September 30, 2013.

The vote was as follows:

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

Motion carried.

C. IMA 2013 Substance Abuse Agreement

Councilman Ohstrom moved and McConnell seconded the motion authorizing Supervisor Shute to sign the Industrial Medical Associates, P.C. Substance Abuse Testing Agreement for 2013.

The vote was as follows:

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

Motion carried.

D. Hydrofracking Packet

Councilman Doolittle asked if the Town Board had any questions regarding the material and information he had provided the Board. He advised that the Town of Onondaga has enacted a ban on hydrofracking and can be added to the list of towns that already banned hydrofracking.

Councilman McConnell asked if the letters received from residents were a result of the recent Hydrofracking Informational Meeting held in the Meeting Room. Doolittle answered, "Yes".

Discussion regarding putting a ban on hydrofracking on the ballot for next year, the expense of a Public Referendum and establishing a Polling Board to represent public opinion, etc. took place.

Supervisor Shute advised that in order to extend the Moratorium, the Town needs to show reason to extend. Councilman Ohstrom advised that the Hydrofracking Committee continues to meet, review and investigate hydrofracking information, therefore meets the criteria and shows cause to extend. Councilman McConnell advised that they are waiting on reports from the Dept. of Conservation and should receive them in the near future. Shute advised that the Moratorium expires in February 2013 therefore this needs to be addressed at January Town Board meeting.

Councilmen Ohstrom recognized Nancy Mueller, Co-Chairperson and publically thanked her and the Hydrofracking Committee for their work and continued efforts on this matter.

The Town Board thanked Councilman Doolittle, Councilman Ohstrom and Nancy Mueller for their presentation.

E. Jamesville Grove Highway Approval.

Joseph Jerry, Attorney for Jamesville Grove owners, Jeff and Marla Cohen, introduced himself, gave a brief explanation of the need for the Town Board to sign the maps and development agreements for the Jamesville Grove Estates. He advised the agreements have been reviewed by Attorney John Langey and Engineer John Dunkle and that the Parade of Homes is anxious to get started for 2013. It states in the agreements that in order for building permits to be issued, the road binder is supposed to be on the road.

Several Builders have signed contracts to build there; however they want to be assured that they can get building permits and get started soon. Since asphalt plants are closed for the winter, the binder course cannot be done and this holds the entire project up. They would like to change the agreement so the road can be made of runner crush and binder will be put down at a later date when asphalt plants reopen for the season.

Attorney Jerry advised that he wants the Town Board to be alert to the time frame for the Home Builder Association and Parade of Homes. There was also some concern as to a discrepancy as to the amount of deposit that the Cohen's have provided. The Engineers, clients and budget officer reviewed and it is established that the agreement calls for \$160,000. Attorney Reese advised that they had just received the proposed documents last Friday and had not had enough time to review. Mr. Jerry requested the town move forward authorizing Supervisor Shute to approve subject to the final Real Estate Review, title insurance if there is a change to the agreement and the attorneys finalizing the agreement.

Highway Superintendent John Greeley advised that runner crush should be fine until the binder can be put down and as long as the road is tightened-up in the spring and they make sure the circles get built, it should be alright. He also advised that he checked out the binder that was put down six years ago, it holding up well.

Supervisor Shute asked Building and Code Enforcer, Ralph Lamson if he knew of any reason not to issue building permits. Lamson advised, he doesn't see any reason building permits should not be issued. He voiced concern that he noticed a covenant for park permits in the amount of \$600.00, per lot for a total of \$7,200 were put in the agreement. He questioned if

the Town Board had voted to add these fees, as he has not seen any mention in Town Board minutes. The Cohens already submitted the fees in the amount of \$7,200.00. The Board was unaware these park fees had been added and will investigate. Discussion regarding amounts that the Cohen's have already paid and have had refunded took place. Budget Officer Tom Chartrand advised that to date there is \$31,371.10 for the infrastructure, not the \$60,000 that was aforementioned.

Greeley advised that Phase I estimate for the road is \$60,000 and he wasn't aware we only had \$31,000 in an account therefore Cohens need to add \$29,000 to bring it up to the estimated cost for Phase I. He advised that he had spoken with the Engineer, John Dunkle and thought the money was there. Superintendent Greeley advised that he has met with Joe Kurr, the road engineer and that they reviewed and inspected the existing road and plans for the runner crush, etc. and everything looks great. Mr. Kurr gave a brief description of the road construction planned.

Supervisor Shute advised the Cohens and their attorney that if necessary he will call a special meeting to keep this Jamesville Grove moving forward. He also advised that they will revisit the issue of the park fees and where they evolved from. He understands that time is of the essence and asked Attorney Reese how long it will take to review all the documents. She advised that once she received the Abstract of Title it should only take a day or two.

Mr. Cohen advised that they do have insurance.

Sal Sciuga from Sciuga Custom Homes spoke and advised that he has signed a contract to build and wants to be sure all is going as planned. He would like assurance that he can get a building permit from the Town and his concern is that the wording in the agreement regarding the binder course on road does not hold up his building plans.

Supervisor Shute advised that the amount of deposit needs to be corrected and the wording of binder needs to be changed to stone based sub-grade. He asked Building and Code Enforcer, Lamson if once this is done, can he go ahead and issue building permits. Lamson responded "Yes".

Councilman Ohstrom moved and Doolittle seconded the motion authorizing Supervisor Shute to sign the maps subject to final real estate review and amend the wording in the agreement to reflect stone based sub-grade road instead of binder in order to issue building permits.

The vote was as follows:

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

Motion carried.

At this point Budget Officer Chartrand requested to finish his tasks to enable him to leave to attend another Town Board Meeting.

Town Supervisor Report:

a. Monthly report submitted.

Councilman Ohstrom moved and McConnell seconded the motion authorizing Budget Officer Chartrand to make the necessary transfers of money.

Re: Transfer of appropriations from General Fund to

A7110.2 Parks	Equipment	\$4,500.00	Total \$4,500.00
A1990.4 Contingent	Contractual	\$4,500.00	Total \$4,500.00

The vote was as follows:

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

Motion carried.

Councilman McConnell moved and Ohstrom seconded the motion authorizing Budget Officer Chartrand to make any transfers of money necessary to til the end of 2012.

The vote was as follows:

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

Motion carried.

Next order of business is to set the Organizational Meeting for next year.

Councilman Doolittle moved and McConnell seconded the motion to set the date of January 14th, 2013 for the Organizational Meeting; beginning at 5:00 P.M. with refreshments, Organizational Meeting to follow at 6:00 P.M. and then the Regular Town Board Meeting at 6:30.

The vote was as follows:

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

Motion carried.

Councilman Ohstrom moved and Doolittle seconded the motion authorizing Supervisor Shute to sign the Agreement between LaFayette and the Central New York Society for Prevention of Cruelty to Animals for the year 2013 and submit payment of \$500.00.

The vote was as follows:

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

Motion carried.

C. Community Development funds match, pending

D. Furnace at Highway Garage

Supervisor Shute advised that the furnace in the Highway Garage is unsafe and in need of replacement as it has a hole in the firebox; the estimate to purchase new floor model is \$20,000. Dan Bush from Bush Heating gave a quote of \$4,4521.00 for a hanging heater model, which includes installation and labor. Discussion arose regarding necessity for three quotes, per town's procurement policy. Ralph Lamson suggested since it is unsafe the Town Board can deem it an emergency in order to get it replaced immediately to enable the Highway employees to continue to work in a safe environment.

Councilman McConnell moved and Ohstrom seconded the motion declaring the furnace at the Highway Garage as unsafe emergency and authorize spending no more than \$4,500.00 to Bush Heating to install a new hanging furnace.

The vote was as follows:

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

Motion carried.

At this point, Attorney Gilligan arrived and Attorney Wendy Reese exited the meeting.

6. PUBLIC HEARINGS

7. SPECIAL REPORTS

8. REPORTS

A. Departmental

1. Assessors

2. Building & Zoning Code Enforcement

a. Ralph Lamson Building and Code Enforcer reported that there were only two recent Court cases to report on: Meron Route 11 property case was dismissed as the lawn finally was mowed; and the 2nd case was a no-show and Judge Knapp sent a letter to the person in question.

3. Dog Control

4. Highway Superintendent, John Greeley

a. Highway Superintendent Greeley submitted a written report.

1. Roads: Snow and Ice Ops: Went around 5 times.....Performed shoulder mowing ops on O'Connell Road and Newell Hill Road. Replaced two stop signs.

Cleaned up various brush piles and cut down hanging limb. Cleaned out ditches and driveway pipes. Crack sealed the Town Office parking lot... Met with Joe Kurr from Jamesville Grove.

2. Equipment: Maintained plow trucks and preformed some paint restoration. Cleanup up parts of the shop...

3. Parks: Closed up LaFayette Beach and filled pool for the winter. Winterized the bathrooms.

4. Shop; we have a problem with the furnace in the back-shop area. The fire box has a large hole in it. Furnace man recommended that we don't use it because fumes escaping into work area. New floor model furnace estimate: \$20,000; a hanging heater estimate is \$4452.00 completely installed. Greeley asked recommendation from the Board as what to do. *(Already addressed in budget items)*

Greeley advised that he is saddened that due to NYS budget cuts there is no more YCIP as of June 1st. This program has proven to be great for the participating students as they learn a lot from working with the Highway Department, gained experience and work ethics. It also benefitted the town as they assisted in many jobs such as building picnic tables, life-guard chairs and numerous other projects for the Town.

5. Justice Court

a. Monthly written report for the month of November, 2012 in the amount of \$19,800.00 turned over to the Town of LaFayette. Total cases 246.

b. Letter of temporary appointment of Noah B. LaRonde, part-time Deputy Court Clerk.

Councilman McConnell regretfully moved and Doolittle seconded the motion to appoint Noah B. LaRonde as temporary part-time Deputy Court Clerk.

The vote was as follows:

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

Motion carried.

6. Library Director

a. Written Report submitted by R. Scott Kushner, Director and Minutes submitted by Secretary Phyllis Olmstead.

7. Recreation Director

a. Regina Reinschmidt advised that she attended seminar in November at SUNY/Cortland and received credits needed for her position as Recreation Director. She advised that an L-Screen for baseball and umbrellas for the Lifeguard chairs have been purchased. She thanked the Highway Department and John Greeley for all their help at LaFayette Beach.

Councilman McConnell commented that the signs at the Beach, Stafford Park and Bailey Park look great. Councilman Ohstrom complimented and thanked Jerry Doolittle for all his hard

work and efforts with the entire sign project as he devoted a lot of time and energy in bringing it all together.

b. Regina further advised that the gym and possibly the cafeteria will be open Saturdays from 1:00p.m. to 3:00 p.m. Mark Whitney is in charge of this. Greg Long and Dan Meldrim will be assisting Mark with this. She further advised that the Wellness Center will not be open however they are striving to get this opened in the future.

c. Regina reported that CPR, AED and First Aide will be offered at Grimshaw Elementary School on March 7th, 2013 and March 21st, 2013 and another session will be scheduled in April. All are open to the public.

8. Tax Collector

9. Town Clerk

a. Monthly report submitted by Town Clerk, Jackie Roorda.

b. Roorda advised that she met with Kent Steuts, from NYS Achieves regarding the LaFayette Records room and moving ahead with organizing the records in the Vault in the Town Hall. His suggestion was to look into purchasing additional shelving and new file boxes for the records currently stored. He also suggested looking in the future to apply for grants for software and scanners, etc. to put town record on laser phish. Roorda advised she will be getting quotes for the additional shelving and storage boxes and will be checking into other grants that may be available in the future in order to bring LaFayette up to date in accordance with NYS Record Retention Law and maintain safe storage of all historic records.

b. Roorda also advised that she recently appointed Kristin Colburn as a deputy and although she has only worked a few hours, she feels Kristin will be an asset to the Town Clerk's position and intends on training her to be able to do many of the Town Clerk duties.

10. Town Supervisor (*Previously submitted by T. Chartrand*)

B. Committees

1. Community Development

Councilman McConnell advised that a letter needs to get in before the end of the year for the Municipal Ag and Farmland Protection project and that we need to enlist Thoma Development to perform Scope of Work Ag and Markets, contingent on John Brennan from Ag and Markets and within the scope of the grant. .

Councilman Ohstrom advised committee includes; Erin Lusin Hall, Educator at Cornell, Melanie Palmer, Cornell graduate and Legislator Dave Knapp, Ag Committee and Farm Owner. Councilman McConnell advised he has a cover letter drafted for Supervisor Shute to sign, to John Brennan at NYS Ag and Markets. Thoma Development will do the project milestones and timeline, the insurance forms and Contractor Information Sheet to be included.

Councilman Ohstrom moved and Doolittle seconded the motion authorizing the project and for Supervisor Shute to sign and send the letter to Mr. John Brennan at NYS

Agriculture and Markets regarding the grant award to develop a Municipal Agricultural and Farmland Protection Plan

The vote was as follows:

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

Motion carried.

2. Emergency Response

3. Employee Policies and Benefits – Councilman Ohstrom advised that discussions revealed significant dis-interest in any Flex Plan and therefore the Flex Plan will not be offered at this time..

4. Environmental and Conservation Advisory Board (*already covered during Hydr fracking discussion*)

5. Highway – Supervisor Shute advised that after meeting with CNS Engineers, the estimated proposed cost of building a new Highway Garage needs to be decreased significantly. The Town is seeking Federal grant moneys, which CNS engineers will write and submit the grant applications.

6. Physical Plant – Councilman Doolittle advised that the lifted tiles in the entry of the Town Hall have been replaced; he is checking on prices for fixing the unlevel floor in the Community Center. There have been a couple reports of the heat not on at the Community Center and is checking on that matter. Nancy Mueller advised that on one occasion during a Booster Club Meeting she found some windows that had been left wide open. Regina Reinschmidt advised that students from the Big Picture Program decorated the Community Center for the holidays and it looks very nice. Supervisor Shute reported that the Court Clerks have advised that the Court Room has been very cold on numerous occasions and they have had Upstate Temperature Control there trying to fix the problem. Ralph Lamson advised that the thermostat has been replaced so hopefully that will rectify the problem.

7. Recreation and Youth

8. Safety

9. School District Liaisons

10. Service Awards

11. SOTS & OCRRA – Supervisor Shute and Town Clerk Jackie Roorda advised that there have been several complaints from residents regarding trash being picked up late or not at all. Councilman Ohstrom advised that some of the route times

and drivers have changed, however, the contract with Feher states pick up 6:00 A.M. – 6:00 P.M., regardless. Some residents are not pleased with this answer. Councilman Ohstrom advised that he has contacted Feher and will again.

12. SPEDES

9. LITIGATION & OTHER LEGAL MATTERS

A. Attorney Gilligan asked Supervisor Shute if he received the packet for application for Community Development money as he recalled that it came late last year. Shute advised that he will check with Dave Knapp on a timeframe to receive this.

10. UNFINISHED BUSINESS & ACTIVE PROJECTS

11. NEW BUSINESS

12. Suggestions for improvements and positive contributions.

13. Executive Session – not necessary

14. Motion to audit and pay bills.

Councilman McConnell moved and Ohstrom seconded the motion to audit and pay bills. Motion carried 5-0.

General Fund	2600-2647	\$32,986.19
Highway Fund	2579-2599	\$14,871.71
Special District	2661	\$ 104.90
Trust & Agency	2662-2670	\$ 2,478.70
Comm. Dev. & Capital Fund		

Councilman Doolittle moved and Ohstrom seconded the motion to adjourn the meeting. Motion carried 5-0.

The Regular Town Board Meeting was adjourned at 8:10 PM.

Respectfully submitted,

Jacqueline Roorda
Town Clerk