

November 9th, 2021 LaFayette Special Town Board Meeting Minutes

Minutes of the Special Town Board Meeting held by the LaFayette Town Board on November 9 2021 at 6:30 p.m. at LaFayette Town Hall and live on Facebook.

Present: William McConnell, Supervisor
Steve Zajac, Councilor
Melanie Palmer, Councilor
Carole Dwyer, Councilor
Jerry Marzo, Councilor

Recording Secretary: Jackie Bush Roorda, Town Clerk

Attorney: Jeff Brown

Budget Officer: Tom Chartrand

Others Present: Attorney Thomas Blair,
Several other residents and interested parties

1. The Town Clerk, Jackie Roorda took the Roll, all present.
2. The Pledge of Allegiance was led by Supervisor McConnell
3. SEQR - Local Law 5-2021

Attorney Brown reviewed SEQR Part 2 with the Board. The Board determined that as with the previous draft of this Law there is little or no significant environmental impact with regard to the 11 items on the SEQR and the Town Board will act as the lead agency.

R-227-21 Councilor Dwyer moved and Palmer seconded the motion that the Town Board is the lead agency and is issuing a negative SEQR declaration as it was determined there are little or no significant negative environmental impacts with regard to Local Law 5-2021. Motion approved 5 -0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

4. PUBLIC HEARINGS -

A. PUBLIC HEARING - Local Law 5-2021 Noise Limitations/Public Assemblies

Attorney Jeff Brown explained that this was the same Local Law that was considered last month, with one exception. The term "Broadband" was removed from the Local Law and replaced with the more understandable

verbiage "Noise without audible discreet tones" meaning noise that is out of the ordinary and removes the ambiguity of what Broadband means.

R-228-21 Councilor Palmer moved and Councilor Marzo seconded the motion to open the public hearing with regard to Local Law 5-2021. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

Individual opinions and comments were voiced below:

1. Teri Lawless - A resident of Onondaga County and RN for 32 years advised she was at the meeting in October.
 - Volunteered at concerts and it was a great experience
 - Was astonished by the disrespect of some local community members.
 - There were 21 days with 8 hours of concert time out of 365 days that equals less than 2% of the time.
 - Without change there can be no growth
2. Denise Ellis - Cardiff resident
 - At the last meeting it was suggested that residents be objective rather than subjective - It is difficult to be objective when:
 - Band practice starts early in the day
 - Unable to use her deck or outdoor space
 - Working people are unable to enjoy their weekends
 - Cannot sleep
3. Herb Brodt - Town resident
 - Past year has not been good
 - Attends most meetings
 - Noticed that a lot of outsiders with promoter T-shirts have been in attendance and left as soon as they had their say.
 - "Intruders" do not have standing at LaFayette Town Board meetings.
4. Rosemary Brodt - Resident
 - Spoke about the concert in Texas where 8 people were killed, questioning that this could happen here
5. Bruce Myrdek - Resident
 - Property values have decreased
 - No town residents want these concerts

- Accused the Town Board of being on the take and receiving funds for allowing concerts to happen
- Supervisor McConnell requested that he address the Town Board, ceased insulting and false accusations, advising he was "out of order".

6. Dave Anthony - Resident

- Concerts at F-Shed, & Baldwinsville have been unsuccessful and kicked out of other towns

7. Attorney Tom Blair - GFY Events, Inc. attorney

- Promoter feels the Town Board representation of the local residents is important
- Wants to point out that business owners are important constituents of the Town of LaFayette as well as residents and there needs to be a balance.
- He has a petition in support of the concerts with over 18,000 signatures, 100 are LaFayette residents
- The Town's comprehensive plan is the guiding document and cannot be ignored.
- There are technical issues with this proposed Local Law without clear definitions, there is a lot of subjectivity and the Town Board has 62 days after the public hearing to reevaluate

8. Roy Brunner - Resident

- Every resident deserves to live in the Town of LaFayette with peace and quiet
- The law is consistent with many other towns and cities across the county.
- They did request other changes such as: lower decibels for concerts with greater than 250 people; Prohibiting profanity.
- Dozens of families are affected by this venue

9. Dale Shinneman -

- Only lived here 4 months
- People don't have an accurate understanding of what decibels mean. (i.e., to go from 30 to 40 decibels is like increasing the volume by 10 times)

R-229-21 Councilor Marzo moved and Councilor Palmer seconded the motion to close the public hearing with regard to Local Law 5-2021. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

Carole Dwyer
Jerry Marzo

Councilor
Councilor

Voted
Voted

Yes
Yes

Supervisor McConnell commented that LaFayette has always accepted Non-Town residents, a lot of the teachers in our schools are not from LaFayette and we do not identify anyone as "Intruders".

Supervisor McConnell advised that pursuant to Municipal Home Rule Law section 20, he hereby certifies the necessity of the law's immediate passage. Attorney Brown advised that the law is ready to be acted upon by the Town Board.

5. COMMUNICATIONS

A. Consider Local Law 5-2021

R-230-21 Councilor Marzo moved and Councilor Palmer seconded the motion to adopt Local Law 5-2021 to amend Chapter 105 (Public Assemblies) and Chapter 194 (Noise) of the Code of the Town of LaFayette. Motion carried 5 - 0.

William McConnell
Steve Zajac
Melanie Palmer
Carole Dwyer
Jerry Marzo

Supervisor
Councilor
Councilor
Councilor
Councilor

Voted
Voted
Voted
Voted
Voted

Yes
Yes
Yes
Yes
Yes

B. Memorandum of Agreement with Honeywell

Attorney Brown explained this is 1 of 2 principal agreements with Honeywell Corporation to have the Town take over ownership and control of the water facilities in Cardiff through the Cardiff Water District. We are about 99% there the only change is the Town of LaFayette listed with regard to the release of lease agreement.

R-231-21 Councilor Zajac moved and Councilor Palmer seconded the motion to authorize Supervisor McConnell to execute the Memorandum of Agreement with Honeywell once it has been finalized by counsel. Motion carried 5 - 0.

William McConnell
Steve Zajac
Melanie Palmer
Carole Dwyer
Jerry Marzo

Supervisor
Councilor
Councilor
Councilor
Councilor

Voted
Voted
Voted
Voted
Voted

Yes
Yes
Yes
Yes
Yes

C. Transfer Agreement with Honeywell

Attorney Brown advised that with this agreement Honeywell is making it clear that it is transferring everything over to the Town.

R-232-21 Councilor Marzo moved and Councilor Dwyer seconded the motion to authorize Supervisor McConnell to execute the Transfer agreement with Honeywell to the Town of LaFayette. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

D. Agreement regarding Cardiff Cemetery

Supervisor McConnell explained that he is waiting on the Board of Directors to provide a list of in-kind services they would like from the Town.

Attorney Brown advised that regardless of what happens on that front we will need a motion to authorize the Supervisor to execute an agreement to take over the lease agreement that Honeywell has with the Cardiff Cemetery Association.

R-233-21 Councilor Palmer moved and Councilor Marzo seconded the motion to authorize Supervisor McConnell to execute the assignment agreement to get Honeywell out of their lease with the Cardiff Cemetery. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

E. Intermunicipal Agreement with Tully on Disbursement of Grant Funds

Attorney Brown explained that because Honeywell is providing \$2.2 million to both the Town of LaFayette and the Town of Tully collectively, we require a Intermunicipal Agreement that authorizes us to take funds in and collectively work with them. All funds must have both LaFayette and Tully Town supervisors sign off on them to be sure they are used the way agreed upon.

R-234-21 Councilor Palmer moved and Councilor Dwyer seconded the motion to authorize Supervisor McConnell to execute the

**Intermunicipal Agreement with the Town of Tully.
Motion carried 5 - 0.**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

F. Cardiff Water District/Route 11A Water District and OCWA.

Attorney Brown advised this agreement was negotiated by separate counsel as he has a conflict of interest. The negotiating counsel informed him that:

- Payments are coming in 3 installments the last one being 2023, OCWA has agreed to hold their charges until the final installment is issued, this will allow Tully and LaFayette to use the funds to be delivered at the end of 2021/ beginning of 2022 to fix the system and OCWA will wait to get its money.
- The agreement is for 10 years with the right to extend upon agreement by all parties
- OCWA will do all the billing directly to customers
- If someone does not pay their bill the Towns agree to put that cost onto their taxes.
- Districts must obtain insurance to protect the assets of the districts.
- There are annual statements that OCWA can provide the Town detailing their costs to operate the systems. If any costs exceed the \$500,000, it is OCWA's responsibility to cover those costs.

Q: Councilor Dwyer inquired to the cost to residents after the 10 years?

A: Attorney Brown advised that there is no definitive answer but he understands that the Town is committed to figuring out a solution prior to then.

Q: Councilor Dwyer also inquired what will happen at the 10-year point if a resolution has not happened? Can we extend?

A: Attorney Brown advised that there is a possibility for extensions and it will be up for negotiation, but at that point there may be several different options.

6. COMMENTS/ QUESTIONS FROM THE PUBLIC:

Q: Karl Field, Resident and member of the Cemetery Association: What will happen with the Lease that Honeywell has with the Cemetery Association?

A: Supervisor McConnell advised the Town is not responsible for that lease and the water district would have to pay for any type of agreement if there was one. Attorney Brown explained that if the Cemetery Association insists on

getting the same revenue they previously got from Honeywell, the Town's only recourse is to add \$250 annually to each water district's bill.

Q: Heather Hoover, Resident: Will I be getting a "surprise" bill for \$250 each year? How will we know if that is happening?

A: Supervisor McConnell advised this is nothing that the Town wishes to put onto the residents. The Town is waiting for a decision from the Cemetery Association. Attorney Brown has spoken with the Cemetery Association's attorney and there appears to be interest in going with "in kind services" in lieu of cash payments but it hasn't been agreed upon yet.

R-235-21 Councilor Dwyer moved and Councilor Palmer seconded the motion to authorize Supervisor McConnell to execute the Operation and Management agreement with OCWA. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

7. ADDITIONAL COMMENTS FROM THE SUPERVISOR:

- Mass Gathering / Public Assembly Permit – Supervisor McConnell advised that he feels that the permit should start and stop with the Town Board, not an associated agent. How does Counsel feel about this?
Attorney Brown advised that under the current law the Town Board can set a max sound decibel for any assembly, it is at their discretion. It gives the Board whatever authority necessary to address noise concerns for future events.
Supervisor McConnell advised that there is no assigned agent, never has been an assigned agent.
- FEMA - Highway Superintendent Robson and Supervisor McConnell hope to have the paperwork submitted by December 1, 2021 to recover some of the monies spend on the damage done to our roads and bridges in August by Hurricane Fred.
- Phase 2 of the Environmental Study for the corner previously the LaFayette Hotel. This is to begin on Monday, November 15, 2021.

R-236-21 Councilor Palmer moved and Councilor Marzo seconded the motion allowing Supervisor McConnell to sign the agreement with C&S

Engineering to complete the phase 2 environmental impact study on the 2 areas that previously had gas/kerosene. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

8. MOTION TO ADJOURN

R-237-21 Councilor Dwyer moved and Councilor Palmer seconded the motion to adjourn the meeting. Motion carried 5 - 0

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

The Town Board Meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk