

August 10th, 2021 LaFayette Town Board Meeting Minutes

Minutes of the Regular Town Board Meeting held by the LaFayette Town Board on August 10th, 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: Ralph Lamson, Bldg. & Code Enforcement
Dave Knapp, Onondaga County Legislature Chair
Jeff Palin, Town Engineers
Sue Marzo, Information Officer
Dave Prince, LCC, Parks, Library
Sean Doolittle & Doug Scholes, LaFayette Fire Dept
and several residents

1. The Town Clerk, Jackie Roorda took the Roll.
2. The Pledge of Allegiance was led by Councilor Marzo.
3. Town Board Minutes of July 8th, 2021 Regular Town Board Meeting.

R-158-21 Councilor Palmer moved and Marzo seconded the motion to accept the July 8th, 2021 Regular Town Board Meeting minutes, as submitted by Town Clerk Jackie Bush Roorda. 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

4. PUBLIC HEARING - LOCAL LAW 4-2021

Supervisor McConnell asked Attorney Jeff Brown to explain the local law:

- This law prohibits the smoking and vaping of cannabis products at all Town of LaFayette owned properties, similar to our policy on smoking cigarettes.

R-159-21 Councilor Dwyer moved and Palmer seconded the motion to open the Public Hearing with regard to Local Law 4-2021. 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

No public c were made.

R-160 -21 Councilor Marzo moved and Zajac seconded the motion to close the Public Hearing with regard to Local Law 4-2021. 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

R-161-21 Councilor Marzo moved and Palmer made the motion to adopt Local Law 4-2021. 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

Town of LaFayette Local Law No. 4 of the year 2021.

A local law prohibiting the smoking and vaping of cannabis products at all Town of LaFayette-owned properties.

Be it enacted by the Town Board of the Town of LaFayette as follows:

Section 1. Overview

The New York State Legislature has passed, and the Governor has signed the “Marijuana Tax and Reform Act” legalizing the recreational use and sale of cannabis products in New York State. While the smoking and vaping of cannabis products is generally prohibited in most indoor spaces pursuant to the Clean Indoor Air Act, the smoking or vaping of cannabis products in outdoor spaces remains unregulated.

Section 2. Legislative Intent

It is the intent of this local law to prohibit the smoking and vaping of cannabis products at all Town-owned properties including but not limited to Town-owned buildings, sidewalks, parking lots, parks, preserves, playgrounds or athletic facilities.

Section 3. Chapter 142 of the Code of the Town of LaFayette entitled “Drug-Free School Zones” is hereby amended as follows:

- A. The title of the chapter shall now read “Drug-Free Zones”
- B. Existing sections 142-1 through 142-4 shall be part of a new Article I entitled “Drug-Free School Zones”
- C. A new Article II shall be added entitled “Prohibition against the Smoking or Vaping of Cannabis Products on Town-Owned Properties”
- D. The following new sections shall be added as part of Article II:
 - a. 142-5 Prohibition against the Smoking or Vaping of Cannabis Products on Town-Owned Properties.

No person shall smoke or vape cannabis or concentrated cannabis as those terms are defined by § 222.00 of the New York State Penal Law on any Town-owned property including but not limited to Town-owned buildings, sidewalks, parking lots, parks, preserves, playgrounds, athletic facilities, or any other Town-owned open spaces.

- b. 142-6 Penalties.

A violation of section 142-5 of this chapter shall be punishable by a civil penalty not exceeding \$25 or an amount of community service not exceeding twenty hours.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to this clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Enacting authority.

This Local Law is authorized by and enacted pursuant to the New York State Constitution, the New York Municipal Home Rule Law, Public Health Law section 1399-r, Penal Law section 222.10, and the Town Law of the State of New York.

Section 6. SEQR

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act and its implementing regulations, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a

class of actions which do not have a significant effect on the environment; and no further review is required.

Section 7. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

5. Communications

A. Ron Bush Senior Center

Jeff Palin of C & S Engineering and current resident advised the Board and residents in attendance that they have been working on this concept for the senior center since about May. It will be a 5000 sq ft. barn like building to fit with the "theme" of LaFayette. The center will have men's and woman's restrooms, a commercial type kitchen, capacity of about 300 people with the ability to hold a variety of different functions there. It will have 3 covered porches. He would like to ask the Board's permission to go out to bid with this finalized design.

R-162-21 Councilor Dwyer moved and Palmer seconded the motion to allow C & S engineering to go out to bid on the senior center project and return to the September 14, 2021 Town Board meeting with results. 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

B. Dog Park Update

Jeff Palin advised that Mark Chambers is out of town but is handling this project. He has the plans and specs finalized and they are again asking the Town Board's permission to go out to bid and return with them at the September Board meeting. Supervisor McConnell recapped events advising that the land has been surveyed, it was purchased with a pending voucher and has been mowed, now it just needs to go to bid to allow us to use the grant monies we received for this project earlier this year.

R-163-21 Councilor Marzo moved and Palmer seconded the motion to allow C & S Engineering to seek bids for the LaFayette Dog Park. 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

C. Update - Onondaga County / American Rescue Plan

Supervisor McConnell gave an update on this. Tom Chartrand advised that \$245,356.50 has been received which is about 50% of the total monies we should be getting. McConnell continued saying this money is earmarked for water, sewer, and other pending projects like this. The Cardiff water district should be completed soon. The Board is looking at a grant to help provide water for the hamlet residents and businesses. Also, some of these funds may be able to be utilized at the new senior center for improved air conditioning/purification units due to Covid and other airborne illnesses.

6. Communications from the Public:

- Steve Pitoniak inquired about the Comprehensive Plan wanting to know if this is an amendment to the 2012 plan or a replacement? Supervisor McConnell advised this is an update, not a replacement but it will be added as an addendum to the previous plan.
- Heather Hoover thanked the Board for sending out the noise evaluation update and wondered what is being done if anything with that? Supervisor McConnell said it was sent to both our codes office and asked Attorney Brown to expand on this. Jeff Brown said that recommendations #3 & 4 involves some tightening up of the noise limits within day and night time hours. The first two recommendations are similar and have a lot of subjectivity to determine what is a violation and what isn't. This could open the Town up to legal challenges. His recommendation is to amend the public assemblies' chapter to allow additional conditions at any event and rely on this provision. Hoover concluded by thanking the Board and everyone for the efforts made on behalf the community. Attorney Brown advised that upon direction of the Town Board he can draft up Local Law 5-2021 that would set the night time decibel limits as well as the hours and have that available for the September 14th meeting. We can set up the public hearing on that law.

R-164-21 Councilor Palmer moved and Dwyer seconded the motion directing Attorney Brown to draft Local Law 5-2021 with regard to noise. 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

- Mary Helen Myrdek inquired:

What is the Apple Valley Park zoned and when that changed? What other events could be allowed that would disrupt the tranquility of the town?

Supervisor McConnell advised it was changed to Commercial about 20 + years ago. There were no changes made to the zoning when this permit was granted. He doesn't know what could be permitted, however a mass gathering permit is only required for events over 250 people and the permits come before the Town Board for approval.

- Heather Hoover inquired about crime within the Town?

Supervisor McConnell gave a brief synopsis of several incidents of theft and vandalism between the hours of 2 am- 5 am. Open vehicles, stolen cars, etc.... he has been in communication with The Onondaga County Sheriff's office & State Troopers office and they are investigating it. They are aware of who it is. One individual has been arrested on a warrant and a couple other incidents which are still pending.

REPORTS

A. Departmental

1. Town Supervisor Report

a. Budget Officer Tom Chartrand advised that Councilor Marzo completed a positive review of the bank reconciliation of the Supervisor accounts.

R-165 -21 Councilor Palmer moved and Dwyer seconded the motion that a positive audit of the bank reconciliation of the Supervisor's account was completed by Councilor Marzo and was appropriate. 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

b. Budget Officer Chartrand submitted the July 2021 Monthly Financial Report. General Fund spending is at 40%, revenue is at 103%; We received a partial disbursement of the CHIPS money in the amount of \$21,000. Highway spending is at 50%, revenue is at 92% and library spending is at 51%, revenue is at 99%. Court fines are up \$6k year to date and we received \$245,356.50 from State and Federal (ARPA/Covid Relief)

TRANSFER OF APPROPRIATIONS

HIGHWAY FUND

To:	DA5112.2	Improvements	Capital Outlay	\$77,150.00
			TOTAL	<u>\$77,150.00</u>
From:	DA599	Surplus	CHIPS, PAVENTY, EWR	\$77,150.00
			TOTAL	<u>\$77,150.00</u>

R-166 -21 Councilor Palmer moved and Marzo seconded the motion authorizing the transfer of appropriations as listed above. 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

Tom Chartrand reminded the Board of the budget workshop dates of Wednesday, Sept. 22 at 5pm, Tuesday, October 12 at 5pm and if needed Tuesday, October 25 at 5pm. He also stated the budget will need to be adopted the Thursday after election day.

2. Attorney - Nothing to report
3. Highway - Steve Robson, Superintendent

Roads: Repairs to Markland Road (Asphalt paving and surface treatment) will continue through the month of August and September.

Miscellaneous repairs and general maintenance of our roads will continue through the summer months.

The Town received substantial damage to our drainage system on Clark Hollow and Deer Run through the month of July. Temporary repairs have been completed and permanent repairs are still pending.

Brush pick-up is scheduled to begin August 30th.

Equipment: 2011 John Deere 977, Bat Wing Mower, 1988 Alamo Road Side Mower and 5' Ford Finish Mower have been paid for and picked up. The Town should receive a check from Auction International in the next 5 to 7 business days.

4. Town Clerk

a. Jackie Roorda advised that July 2021 Town Clerk report was in the Board’s meeting packet for their review.

b. Roorda also advised hunting licenses sale started August 2nd and has been busy with those, marriage licenses and passports.

5. Building and Zoning Code Enforcement - July, 2021 report for all building permits was provided to the Board by Ralph Lamson, Code Enforcement Officer. Ralph questioned who has the asbestos report for the Puttkamer property and Highway Superintendent, Steve Robson advised that he has it and will get a copy to Codes Department. Also, Ralph questioned if there is going to be a fee for the demolition permit? The Board advised no fee would be charged. Was a subdivision map done and filed with the county for the dog park? Jeff Palin advised he didn’t know but would check with Mark Chambers next week.

R-167 -21 Supervisor McConnell moved and Palmer seconded the motion to waive the fee for the demolition permit. 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

6. Justice Court

a. July 2021 Justices Reports.

Judge Perrin had 78 cases and turned over \$9,132.00 to the Town of LaFayette for July, 2021.

Judge Shute had 159 cases and turned over \$12,924.00 to the Town of LaFayette for July, 2021

b. Justice Court Review of Records of January - June 2021.

R-168 -21 Councilor Palmer moved and Dwyer seconded the motion to accept the Justice Court audit of their records from January 2021 through June 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

7. Library -

- Scott's retirement will be effective September 29; ad for replacement to be placed with library organizations.
- Updated circulation desk has been ordered
- New all-in-one printer obtained to free up room on circulation desk
day to day Operations continue
- Physical library is open - appointments no longer required - social distancing practices remain in place for computers, browsing, etc. and all patrons still being requested to wear a mask in the library
 - o Materials are no longer being quarantined when returned

8. Parks

- Park mowing and maintenance is on-going
- Bathrooms are being cleaned regularly (daily when possible)
- Bathroom doors at Stafford South are in the process of being painted
- Basketball court at Vinegar Hill Sports Park is partially sealed - material did not go as far as expected; more has been ordered
- Optimist Club is in the process of installing dug outs on field #5 (Stafford Park south)
- Will be posting signs about the Wild Parsnip advising residents to keep their activities to the maintained areas.

9. Community Council

- Youth Lacrosse and young adult basketball to end mid-August; Soccer to begin September 11.
- New lights for box at Vinegar Hill have been ordered
- LCC Board would like to post banners advertising sponsors at Vinegar Hill box and ball fields at Stafford Park - Town Policy? The Town board request LCC to propose a policy for the board to review.
- LCC Board is discussing discontinuing adult programs that require payments to instructors to bring into alignment with all other programs, i.e., conducted by volunteers

10. FIRE DEPARTMENT REPORT

Sean Doolittle reported that the new truck is outside for people to view it. They had 8 fire calls and 44 ambulance calls since the last meeting. This will replace 2 vehicles in our fleet that are coming up for replacement. This new truck will allow for both an engine and a heavy rescue to show up for alarms with a decrease of number of members needed to operate such vehicles.

A. Committee Reports:

1. LACC (LaFayette Advisory Conservation Commission) activities between July 10 and August 5, 2021:

1. Membership - One new member, Markus Schaub, was appointed by the Town Board on July 13, which brings the LACC membership to its maximum membership limit of 9. Another resident, Rachel Zevin, volunteered to be on the LACC. Chair Distler recommended that she be considered an auxiliary member, who would not be appointed and not have voting rights but would participate as a member in every other way. Supervisor McConnell approved. Ms. Zevin will commence membership in September.
2. Meetings - A meeting was held on July 27. All nine members were in attendance. The highlights of the LACC current activities are presented below.
3. Special Projects
 - a. Comprehensive Plan Update - Three LACC members continued their work on the Tiger Team to support the Comprehensive Plan update by attending the July 13 meeting and providing their written input on the draft community profile and vision and goals.
 - b. Senior Center - As a follow-up to last month's report, LACC will be providing a list of plantings to ESF to consider in their designs this coming Spring. Jerry Marzo and Dave Prince will be involved in the development of the list. ESF will be providing preliminary construction cost estimates to the Supervisor in September for the upcoming 2022 budgeting.
 - c. Parks - In addition to the nature trail connecting Stafford Park to the Senior Center, LACC will be recommending that an element(s) of the Stafford Park design be constructed at Bailey Park.
 - d. Electric Car Charging Stations - With Supervisor approval, LACC is soliciting cost estimates from contractors to install stations. Eventually, a financial proforma may be submitted to the Town Board for consideration.
 - e. Solar Farms Policy - A new request from the Supervisor to provide recommendations for siting of solar farms in LaFayette. A LACC sub team was formed.
 - f. Agritourism - A new request from the Supervisor to provide recommendations for a potential initiative. A meeting with a LACC expert and the Supervisor is being scheduled.
 - g. Stinging Plant - A new request from the Supervisor to provide recommendations to mitigate risks from a plant at Stafford Park that a resident said was dangerous to humans. A LACC sub team was formed and recommendations are under consideration, which are being discussed with the Optimists. The plant is identified as wild parsnip.
 - h. Stormwater control - A new request from the Supervisor to provide consultation about options to better control stormwater runoff at a specific

location. An LACC expert was identified and offered to the Supervisor for subsequent consultation.

4. Culture Building Programs

- a. Town Newsletter - The LACC will be authoring an article for the Town's 4Q newsletter.
- b. Other - The LACC is considering two other programs: (1) posting topics on Town web site and (2) organizing the Town's resident conservation experts

7. NEW BUSINESS - Supervisor McConnell advised:

- 1. There will be a presentation at the September meeting about water within the Hamlet and how to provide it.
- 2. He and Sue Marzo have been investigating equipment to live stream the Board Meetings. There are a lot of options at a cost starting at \$600 - \$5,300, depending on the equipment. They have checked other Town Halls for their input and agree that they can purchase a camera, 75" TV microphones that will be installed in the ceiling for approximately \$2,300.00.
- 3. Supervisor McConnell advised he received the Cell tower lease letter for Verizon and he will sign with Board's ok.

R-169 -21 Councilor Marzo moved and Zajac seconded the motion authorizing the Supervisor and or Information Officer to enter into a contract to purchase the equipment necessary to livestream the Town Board meetings not to exceed \$2,300.00. 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. OPEN COMMUNICATION FROM THE PUBLIC - No one spoke at this time.

9. Motion to audit and pay bills.

General Fund	17949-17979	\$ 49,760.13
Highway Fund	17980-17992	\$ 22,331.37
Special District	17993-17994	\$ 46,410.66

R-170-21 Councilor Palmer moved and Dwyer seconded the motion to audit and pay the above listed bills. 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

OPEN COMMUNICATIONS CONTINUED

Resident, Jerry Garrillo, asked to speak as he missed the open communications portion of the meeting as he had to work late. Jerry advised that he attended some concerts at Apple Valley Park and also volunteered parking cars. He advised that the promoters did an amazing job with the entire set-up, the influx of concert attendants that come from all over is beneficial to the community and businesses. He hopes there may be a way the Town, residents and promoters may be able to come to terms to allow the concert venue to continue.

Resident Faith Stevens, stated that she works two jobs, lives alone and her summer has been ruined due to the concerts. She cannot sleep even when the concerts have ended as there are dogs barking, horns blowing and her blood pressure is so elevated.

10. Motion to Adjourn

R-171-21 Councilor Dwyer moved and Marzo seconded the motion to adjourn. 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 meeting was officially adjourned at 7:29 p.m.

Respectfully submitted.

Jacqueline G. Roorda
Town Clerk