**April 9th, 2019 LaFayette Town Board Regular Meeting Minutes**

Minutes of the Town Board Regular Meeting held by the LaFayette Town Board on April 9, 2019 at 7:00 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Daniel Fitzpatrick, Supervisor

Steve Zajac, Councilor

Melanie Palmer, Councilor

Carole Dwyer, Councilor

William McConnell, Councilor

Recording Secretary: Jackie Bush Roorda, Town Clerk

Budget Officer: Tom Chartrand

Attorney: Jeff Brown

Others Present: Ralph Lamson, Code Enforcement Officer

David Knapp, County Legislator

Dave Prince, LCC, Library, Parks & Rec,

Don Moody Sean Doolittle, LaFayette Fire Dept.,

John Mueller, Keith Alexander, Rosemary Brodt, Thomas Meany, Kate Farrar, Robert Graves, Andrew Enigk, Andrew Oliver, Jordan Oliver, Jim Oliver, Walter Moore, Steve & Kathy Pitoniak, Muriel Bodley and Pat Carroll

1. Supervisor Fitzpatrick called the meeting to order at 7:00 PM and welcomed all in attendance. Councilor Palmer led the pledge to the U.S. Flag.

2. The Town Clerk, Jackie Roorda took the Roll. All Present.

3. Town Board Minutes of March 12th, 2019 Regular Meeting.

R-52-19 Councilor Palmer moved and McConnell seconded the motion to accept the March 12, 2019 regular Meeting Minutes as submitted by Town Clerk Jackie Roorda. Motion carried 5 - 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

R-53-19 Councilor McConnell moved and Zajac seconded the motion to accept the March 25, 2019 Special Meeting Minutes as submitted by Town Clerk Jackie Roorda. Motion carried 4 – 0, with 1 abstained.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Abstained

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

4. COMMUNICATIONS

A. Thomas Meaney, Eagle Scout Project

Presentation by Thomas Meaney of Troop 100 for his Eagle Scout Project.

Thomas Meany thanked the Town Board for allowing him to request their support for his Eagle Scout project. He explained that his project is called a “GaGa Pit” which are popping up in many parks around the country. A GaGa Pit is a 12-foot octagon made out of 4’ x 8’ lumber with sand inside. He further explained that you play with a kickball and the members are inside the pit, with the object of hitting your opponents below the knees with the ball and then they are out of the game. The last one remaining in the pit is the winner. He has already obtained permission from his Boy Scout leader, the Optimist Club, and is hoping to get permission from the Town Board to construct this at Stafford Park behind the volleyball court and playground. He walked the park with Jerry Marzo who is in charge of the park through the Optimist Club and they decided this location would be the best place for the Pit. Mr. Marzo offered to help with the project anyway he can. Thomas’ goal is to have this project completed before Community Days and the Boy Scouts will show the community the rules, regulations and instructions on how to play the game correctly. Tom is confident that he can get donations from Lowe’s, Home Depot, and possibly churches for the wood and other materials needed. The estimated cost is about $500 however he is thinking his cost out-of-pocket after donations would be approximately $50.00.

R-54-19 Steve Zajac moved and Carol Dwyer seconded the motion to approve Thomas Meany’s construction of a GaGa Pit at Stafford Park. Motion carried 5 – 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

B. Go-Petie Dog Licensing Software Proposal

Supervisor Fitzpatrick introduced Diego Alves and Daniel Young who conducted a two minute presentation regarding the Go-Petie Pet Licensing software program which was discussed at last month’s meeting and to answer any questions the Town Board members had regarding this.

Diego explained that this is one of the first dog licensing app programs for pets which has proven to increase the number of dogs licensed and increase revenue for cities and towns in Massachusetts. Statistics say 45% of dogs are not licensed. This is an online software program and phone app for smart phones in which people can license and renew licenses on their smart phones, computers, and laptops etc. Daniel advised this includes a platform with social media technology wherein even Amber type alerts can be quickly distributed for lost pets. He also explained the animal control citations can be submitted online for unlicensed or disruptive dogs. This program was launched in Somerville Massachusetts and surrounding municipalities wherein they have seen increases in dog licensing.

Discussions included

\*cost versus participation

\*written applications can still exist for those who wish to do so

\*Ag and Markets has no enforcement over the dog licensing programs

\*Possible trial period for a year to decide if it’s feasible

\*Possibility of lowering the $1500 annual fee if not as profitable as thought

Supervisor Fitzpatrick thanked Diego and Dan for their presentation stating that the Board was looking for answers to questions after last month and they will continue the conversation regarding this, however will not be making a decision at this time.

C. Sherry LaVancher, New Tax Assessor position.

The discussion regarding the salary for our new tax assessor determined that it would be fair to start her at the same salary as our current assessor. She will start June 1, 2019 with a one month shadowing Shawn Adam and it was decided her payment for that month will be equivalent to 1/12 of the annual salary.

R-55-19 Councilor McConnell moved and Steve Zajac seconded the motion that the salary for the new assessor will be the same as the current assessor’s salary with the beginning date of June 1, 2019. Motion carried 5 – 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

1. Possible Memo of Understanding (MOU) with Suit Kote regarding millings pile

Attorney Brown advised that he has been negotiating with Suit Kote’s attorney attempting to reach an agreeable Memo of Understanding (MOU) between the Town and Suit Kote with regard to the removal of the milling’s piles on Route 20. The negotiations involve ensuring that the Town of LaFayette has the ability to enforce any environmental issues that may come up and state requirements if Suit Kote does not meet the deadline for the removal of the millings at the end of the construction period in the fall. Attorney Brown explained that Suit Kote has already received a letter from our Code Enforcer Ralph Lamson regarding the timeframe for removal of the milling’s being in November, 2019 at the end of the construction season. Attorney Brown hopes to have the agreed upon Memo of Understanding available for consideration by next meeting, however time is not a significant factor since the Codes letter is already in place with Suit Kote.

1. LOSAP

R-56-19 Councilor McConnell moved and Zajac seconded the motion to accept the letter form LaFayette Fire Department President John Harper and the accompanying LOSAP Report paperwork regarding payment to the participants listed for the year 2018. Motion carried 5 - 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

F. Updated Handbook

Attorney Brown advised that he has reviewed the proposed handbook, consulted with Tom Chartrand and provided the Board with redlined version showing the proposed significant additions and subtractions necessary to bring this up to date.

R-57-19 Councilor Zajac moved and Dwyer seconded the motion to accept the updated town of LaFayette handbook to be effective on today’s date

April 9, 2019. Motion carried 5 - 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

G. Municipal Separate Storm Sewer System (MS4) Renewal

Supervisor Fitzpatrick explained that this is an annual agreement with the County regarding storm sewer system in the town.

R-58-19 Councilor McConnell moved and Palmer seconded the motion authorizing Supervisor Fitzpatrick to sign the inter-municipal agreement between Onondaga County Department of Water Environmental Protection Municipal Separate Storm Sewer System (MS4) and the Town of LaFayette. Motion carried 5 – 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

1. Bid opening for the 2003 Ford F550 dump truck/plow. Town Clerk Jackie Roorda advised that only one sealed bid was received. Supervisor Fitzpatrick opened the sealed bid from Woody’s lawn care in the amount of $2,200.00. To be paid by certified funds. It was agreed that this is a suitable price for the condition of the truck.

R-59-19 Councilor Dwyer moved and Fitzpatrick seconded the motion to accept the bid on the highway truck 2003 Ford F550 dump truck/plow as submitted by Woody’s Lawn Care in the amount of $2200. Motion carried 5 - 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

Budget Officer Tom Chartrand suggested that Town Clerk Jackie Roorda will contact Woody’s requesting a bank check in the amount of $2200. After the bank check is deposited, the truck may be released to him.

1. Future telecommunication technology regulations.

Attorney Brown explained that FCC regulations limit the ability of municipalities to control facilities such as Verizon with regard to the installation of small cellular arrays within their rights-of-way. He has drafted a resolution to make clear the Town of LaFayette’s intent to regulate these facilities if they come in and construct or add to telephone poles etc. The deadline to enact this is April 15, 2019. Councilor McConnell moved and Fitzpatrick seconded the motion to approve the resolution below. Motion carried 5-0.

**TOWN OF LAFAYETTE**

**POLICY STATEMENT REGARDING FUTURE TELECOMMUNICATION**

**TECHNOLOGY REGULATION AND PERMITTING WITHIN THE TOWN**

**April 9, 2019**

The following resolution was offered by Councilor McConnell, who moved its adoption, seconded by Supervisor Fitzpatrick, to wit:

**WHEREAS,** the Town of LaFayette has jurisdiction and responsibility to maintain the safety and general welfare of the public rights-of-way; and

**WHEREAS,** the Town of LaFayette Town Board may establish a permitting process for telecommunication installations in the public rights-of-way; and

**WHEREAS**, the Town recognizes that wireless telecommunication technologies are important to the community, but the technology changes rapidly; and

**WHEREAS**, the Town is committed to the preservation of health and safety of its residents, business and visitors, and to protection of public safety by minimizing the potential adverse effects of wireless telecommunication facilities through an established permitting process; and

**WHEREAS**, the Town is committed to the protection, to the maximum extent possible, of aesthetic quality, property values, and visual character of the Town, while not unreasonably limiting competition among communication providers; and

**WHEREAS**, the Town does not intend to limit the use of in-house wireless communication devices installed solely for the use of the property owner or business; and

**WHEREAS**, the Town is committed to minimizing the visual and aesthetic impact of telecommunication facilities to the maximum extent practicable through the permitting process and by emphasizing careful design, siting, screening and innovative camouflaging techniques, and with the understanding that modification or revision or even replacement of that process may be necessary to continue to pursue these intentions as new technology is proposed to be installed within the Town; and

**WHEREAS**, the Town wishes to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called “4G” and “5G” technology.

**NOW THEREFORE, BE IT** **RESOLVED** that no other agency has the legal authority to adopt the proposed resolution in the Town of LaFayette, that the adoption of the proposed resolution is a Type II action and therefore will have no significant effect on the environment, thus concluding the environmental review under the State Environmental Quality Review Act; and be it further

**RESOLVED** that the Town of LaFayette shall reserve the right to define and/or further define “small commercial wireless facilities,” which are defined, in part, by the Declaratory Ruling and Third Report and Order (“Order”) issued by the Federal Communications Commission (“FCC”) as facilities that are (i) mounted on structures 50 feet or less in height including their antennas as defined in 1.1320(d); or (ii) mounted on structures that are no more than 10 percent taller than other adjacent structures; or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater, which are owned and maintained by a wireless telecommunication infrastructure provider requiring permit review as currently established or as may be established, or as may be modified by local law in the future; and be it further

**RESOLVED** that requirements for the siting, construction operation and maintenance of such small commercial wireless facilities shall at all times meet or exceed the most recent American National Standards Institute (ANSI) Code, National Electrical Safety Code and the National Electric Code and shall be at all times kept and maintained in good condition, order and repair by qualified maintenance and construction personnel so to protect persons and property within the Town; and be it further

**RESOLVED** that siting of all telecommunication facilities shall, as a matter of policy, have the least adverse effect on the environment and character of all zoning districts within the Town of LaFayette, including visual impacts, existing vegetation, residential character and lighting; and be it further

**RESOLVED** that all applications for the construction or installation of a new small wireless facility or modification of an existing wireless facility shall require the submission of documentation that demonstrates and proves the need for the small wireless facility to provide service primarily and essentially within the Town; and be it further

**RESOLVED** that the Town, consistent with the Order, hereby imposes, at a minimum, the following standards upon small commercial wireless facilities to address aesthetic and safety concerns as part of the review and permitting process:

1. Facilities shall be situated in a manner that minimizes proximity and visibility to residential structures, does not impede pedestrian or vehicular traffic, or otherwise create a safety hazard, and shall be no higher than the minimum height necessary;
2. Ground-mounted accessory equipment, walls, or landscaping shall be located in consultation with and the consent of the municipality with respect to snow removal and storage;
3. To the extent feasible, accessory equipment shall be placed underground; if equipment must be ground mounted, screening from surrounding views, to the fullest extent possible, through landscaping or decorative features to the satisfaction of the Town, shall be employed;
4. Camouflaging techniques, which may include screening and incorporating architectural features, shall be employed to limit visibility from public ways and residential uses while still permitting the facility to perform its designated function;
5. Where appropriate, small wireless facilities in the public right-of-way shall be collocated on existing structures, whenever possible;
6. Standardized, pre-approved location spacing, antenna and equipment cabinets shall be mandated;
7. Facilities shall be painted or shielded with street-design materials; and
8. The antenna and supporting electrical and mechanical equipment must be of a neutral color, so as to make the antenna and related equipment as visually unobtrusive as possible; in areas with underground utilities, additional camouflaging techniques may be required, such as decorative utility or light poles; and be it further

**RESOLVED** that all standards governing small commercial wireless facilities as set forth in the aforementioned Order are hereby acknowledged and reaffirmed; and be it further

**RESOLVED** that as soon as practicable, and upon due deliberation, the Town shall enact such additional modified standards for such small telecommunication facilities to be situated within the Town of LaFayette, as may be necessary to assist in the review of such permits or as may be necessary upon the amendment of Town policy or the enactment of a Local Law; and be it further

**RESOLVED** that any approval for a small wireless facility that is proposed for Town property or in the public right-of-way shall require the applicant to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its elected officials, officers, employees, representatives and agents, from any and all damages, costs or charges which might arise out of, or be caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of the small wireless facility; and be it further

**RESOLVED** that the Town of LaFayette Town Board hereby establishes an application fee of $500.00 for a single up-front application of a small wireless facility, that may include up to five (5) sites, and $100.00 per application for each site thereafter; and be it further

**RESOLVED** that the Town further imposes a recurring charge for each small wireless facility to be situated within the public right-of-way to be $270.00 per site per year, which shall include all related access, permitting and rental fees.

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

The foregoing Resolution was thereupon declared duly adopted.

**DATED: April 9, 2019**

I. Jeannie Gleisner from the Environmental Advisory Board gave an update regarding the four corners of LaFayette, meaning Route 11 and Route 20. After checking with the Federal Highway Administration’s list of their five-year plan which includes 2017 through 2021 projects, the four corners is listed to be reconstructed in 2019 to 2020. The Syracuse Transportation Council and DOT advised that the federal funding removed $4 million of $5 million previously projected. $4 million was going to come from Federal Resources however now has been reduced to $1 million. This would mean it would be a much smaller project perhaps just road resurfacing. This has not been confirmed by the Department of Transportation and she is hoping to hear from them sometime tomorrow and will advise everyone involved via email.

Supervisor Fitzpatrick thanked Jeannie Gleisner for informing the Town Board and keeping us appraised of this.

6. REPORTS

A. Departmental

1. Town Supervisor

a. Town Supervisor’s Monthly report was provided by Budget Officer Tom Chartrand. Tom went through the highlights of the March report.

b. Chartrand advised that the transfer of appropriations which he submitted with the monthly report regards the S.O.T.S. money flowing through the general fund which is basically a record and not affecting any money changes. The transfer is from General Town wide Fund A510 Estimated Revenues/SOTS Taxes in the mount of $335,075.00 to A8160.4 Refuse and Garbage Contractual in the amount of $335,075.00.

R-60-19 Councilor McConnell moved and Zajac seconded the approval of the transfer of appropriations as submitted by Budget Officer. Tom Chartrand. Motion Carried 5 - 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Palmer Councilor Voted Yes

William McConnell Councilor Voted Yes

c. Budget Officer Chartrand advised that a full hour is not necessary for reviewing and signing vouchers and questioned if the Board wanted to start vouchers at 6:00 PM and the meeting at 6:30 PM or do vouchers at 6:30 PM and the meeting start at 7:00 PM. It was agreed 6:00 PM vouchers and 6:30 PM meeting would work best. Town Clerk Jackie Roorda will make the necessary notifications that are that are legally required to inform the residents of this change in meeting time.

R-61-19 Councilor McConnell moved and Dwyer seconded the motion to change the time to complete monthly vouchers to 6:00 pm and move the meeting time for the Town Board up to 6:30 PM starting next month. Motion Carried 5-0. Motion carried 520

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Palmer Councilor Voted Yes

William McConnell Councilor Voted Yes

2. Highway Superintendent

Roads: Snow and ice operations were performed seven times since the last Town Board meeting.

\*Currently 115 inches of snow in Syracuse and 118.7 inches of snow in Buffalo. Buffalo is expected to win the Golden Apple award.

\*The sweeping of all Town roads has been completed

\*Brush pickup is going to be for the next couple days followed by Earth Day on Friday, April 26 and from 9:00 AM to 2:00 PM on April 27th.

Safety: the annual PESH safety meeting will be taking place on April 22 in Tully.

\*The annual 284 agreement for the expenditures of highway monies needs to be approved and submitted.

R-62-19 Councilor Palmer moved and Fitzpatrick seconded the 284 agreement for expenditure of highway monies between the Town of LaFayette and Onondaga County. Motion carried 5 - 0

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Palmer Councilor Voted Yes

William McConnell Councilor Voted Yes

The 284 agreement will be submitted as soon as the NY State budget is released.

The Town should be getting back between $6,000 and $8,000. Highway Superintendent Greeley advised that a representative from Cypress Creek reached out to him to discuss Paladino Road changes if the solar project is approved. Greeley advised that they will need to put in a longer driveway pipe and work with the DEC if this project occurs, they will also be reaching out to the Town engineers regarding Paladino Road to ensure damage from the trucks will be mitigated.

3. Town Clerk

a. Monthly Report and payment to Supervisor’s Account were in packet for Town Board review.

b. Town Clerk Jackie Roorda advised that on May 11th shredding, medication drop off and Rescue Mission donations will be taking place at the Town Hall from 9:00 AM until 1:00 PM. The Sheriff’s will be here overseeing the medication drop off; Rescue Mission will be dropping off even more huge containers for donations and the shredding truck will be parked in the upper parking lot. Last year was a huge success and was well received by the residents, many of which commented how thankful they are for these services. We are looking forward to another successful year.

4. Building and Code Enforcement

a. Code Enforcement Officer Ralph Lamson provided the report for building permits issued to date for 2019 and commented that the number of permits has increased compared to this time last year. Ralph also advised that the number of simple subdivision and variance applications have increased significantly. The possible solar farm is moving forward and is on the Planning Board agenda. There is also one update regarding the change of roof top panels for the unified solar permits which will have to be addressed with our solar law. Attorney Jeff Brown advised that The Board will have to update its unified solar resolution. He will provide a proposed resolution to at the next meeting and the public hearing will be set.

6. Justice Court -

a. Justices Monthly report for February 2019

98 - Total cases for Judge Perrin; $8,748.00 was taken in for the month of February, 2019.

91 - Total cases for Judge Shute; $8,281.00 was taken in for the month of February 2019.

7. Library

a. Board of Trustee Minutes and Director’s Report for March 2019 were available in the Town Board’s packet for review. David Prince advised that with the 2020 Census the majority of the form can be filled out online and the library will be available for residents to use the computers to fill out their census form. Librarian Scott Kushner will be notifying residents.

8. Parks – David Prince advised that the north bathrooms are open and the south bathroom will be open tomorrow. Mowers are ready for the grounds keeping season.

9. Rec/LCC- David Prince advised that volleyball and basketball seasons are over and LCC has eight teams signed up for baseball and lacrosse is this spring.

7. TOWN ATTORNEY/LITIGATION & OTHER MATTERS

8. OPEN COMMUNICATIONS

1. Muriel Bodley wanted the Board to know that in 1963 she moved in to the Q-Track off Coye Road and back then the ditches were dirt and grass so they were easily mowed. Over 25 years ago the Highway Department put in great big rocks on their side of the road in the ditch which is an eyesore, full of grass and weeds, and is a tremendous amount of work to make look presentable. Across the road, paved ditches were put in by the Highway Department at the same time. Her question is since she read there’s a $300,000 surplus in the budget, she is hoping that the ditches on her side of the road can be taken care of by the Highway Department. Supervisor Fitzpatrick advised that this is something that they will definitely look into and requested that she contact him via phone or email to discuss this further. Mrs. Bodley thanked the Town Board.

B. Andrew Oliver of Oliver’s Campers, located on Route 11 next to the Highway garage

in LaFayette introduced himself, his brother, Jordan and father, Jim Oliver. He advised the Town Board that his family feels the Board needs to hear the facts of their one-year experience in the Town of LaFayette and what transpired to bring them to their dilemma in the Town.

They opened an RV dealership one year ago in April after meeting with the Planning Board going through all the processes to make sure they had all their ducks in a row. There was a question as to where the water source to the building was coming from, no one seemed to know or care, not the Planning Board, nor Onondaga County.

As this building and the land had been vacant for numerous years, they had a lot of work to do to get opened in the fall of 2018. Water lines were frozen and the building and the property needed a lot of work. It was later discovered that the well supplying the water to their business was located across the driveway on the Town Highway property however was powered by Oliver’s electricity.

Soon after learning the well was located on Town property, Highway Superintendent John Greeley nicely approached them regarding a simple swap agreement, i.e. Oliver’s could have use of the well supplying the water in exchange for a small piece of land for the Highway Department. Greeley showed them the piece of property the Town would like advising the Highway crew would do $5,000 grading work for Oliver’s as well.

When Oliver’s received the written agreement from the previous Town Attorney, the amount of land and the location of the land was not at all what was initially discussed with John Greeley. Oliver’s advised that this was not the deal that they were willing to accept.

One of the prime reasons they purchased this 11-acre lot was the exposure of their business from the Route 81 traffic, and with the new agreement, that would go to the Town.

This dragged on between the attorneys since last June trying to come up with an agreement. Oliver’s were busy trying to get their business going and getting ready for attending a huge camper show at that time and were glad to wait until the show was over to move forward.

In September John Greeley called advising that they need to get the issue resolved quickly.

In November 2018, during a phone conversation discussing a new deal Greeley said the Town spent the money on the survey and now wants to get this completed.

A few weeks ago, when they reopened after the winter, they discovered there was no water in the building thinking the pipes must have frozen only to discover that there was no water in the pipes at all. They called John Greeley who advised that the Town had shut off the water in January. Oliver’s questioned why they weren’t notified that the water was being shut off. Greeley said he thought the Town was going to notify them.

Oliver’s lawyer immediately advised the Town that they need to turn the water on, which never happened. They recently received a new agreement from the new Town Attorney proposing that they need to pay $500 / month for the use of the well. They feel is exorbitant considering they are powering the well, do not use much water and when purchasing the property were not made aware that the well was on the Town of LaFayette property. They are transporting potable water all the way from Norwich in order to flush toilets, etc.

Supervisor Fitzpatrick advised that they were under the understanding that Oliver’s were going to drill a new well and they thought that Oliver’s had been notified that the water would be shut off. He further advised that legally Municipal Law does not allow for a service provided by the Town to a private entity without monetary compensation to the Town. Attorney Brown said the proposal $500 fee was intended as an opening proposal with the goal of encouraging the Oliver’s to drill a new well. He expected the Oliver’s lawyer to respond and negotiate the final terms of the agreement.

Andrew Oliver went on to explain that Oliver’s is 53-year old family owned business that was started in the Town of Norwich, is very successful, and has 10 employees to run the business. It was their hope in opening a new business in the Town of LaFayette, to employ additional people and bring a thriving business to the Town. He advised that Oliver’s has sponsored two Little League teams, ironically donated all of the bottled drinking water for the Community Days in 2018 and has donated to the Apple Festival.

Discussions included

\*miscommunication between those involved

\*the fact they were allegedly never given any notice that the water was shut off

\*numerous discrepancies in what they were told by Town personnel and what really took place

Attorney Brown advised the Town’s goal is to come up with an agreement that is fair for everyone. Supervisor Fitzpatrick requested that the Oliver’s realize that he and the present Town Board members were not a part of the beginning plans nor involved when they approach the Planning Board. The Town Board assured the Oliver’s that they are very sorry for the situation, want them to feel comfortable and confident in moving forward with their plans to develop their business.

After further discussion it was decided that all future communications between Oliver’s and the Town of LaFayette will be conducted through their attorneys and the Town Board, only, with no outside interference. Supervisor Fitzpatrick asked if they were interested in a new agreement for using the Town well. The Oliver’s advised that they are not, they are hauling their own water 55 miles from Norwich in order to run their business. They thanked the Town Board for listening to their side of the story, explaining that this was their reason for coming to the meeting, not to cause any more dissention but to make the Town Board aware. The Town Board also thanked them for their input.

C) John Mueller requested that a copy of the Memo of Understanding (MOU) that is being drafted for the milling’s piles and going to Suit Kote as he would like the opportunity to review what is written.

D) Sean Doolittle of the Fire Department reported that they had 34 calls this past month; 17 fire and 17 EMS. Also reported that they were called to a 10-12-acre field fire on Coye Road due to a lady burning cardboard in spite of the DEC current burn ban. Again, the Fire Dept. was inquiring as to what the Town is doing with the house (Puttkamer Property) near the park. Supervisor Fitzpatrick advised that is to be determined but that the Board is aware the Fire Dept. is interested in using it for training if possible, and they will be kept appraised.

E) Onondaga County Legislature Chairman Dave Knapp spoke of good news regarding Community Development grants, advising that in the past the Town was able to get money towards projects, however the Federal Government changed the rules about 5 years ago making our area no longer eligible for these monies. They have redrawn the census block and that puts LaFayette back in the game and now approximately 1/3 of the Town is eligible based on income. The deadline for application has been extended to May 10th.

He would like to remind everyone that Community Day is coming up on June 1st at Stafford Park and thanked the Town Board, Optimist Club and others for supporting this always well attended totally free event. Food, beverages, activities and the fireworks paid for by the LaFayette Optimist Club make this all-day experience great for the Community.

He also reported that the State passed a law to allow for early voting. There will be six (6) polls across the County ten (10) days prior to Election Day. The polls will be open for nine (9) days straight including Saturday and Sunday with a couple evenings. They have chosen LaFayette as it is a central point for the surrounding areas. Currently they are deciding between the LaFayette Fire Dept. and the Session Building at the Presbyterian Church. The Fire Dept. maybe a better location as this won’t interrupt activities which is possible at the Church. People will be coming to vote from Otisco, Spafford, Skaneateles, Tully, etc. More information will follow as we get closer.

Chairman Knapp advised that two bridges in LaFayette will be getting repaired. The Apulia Road Bridge near Rt.173 will be getting repaired once school lets out and after Balloon Fest is over. There will be detours as they will be shutting it down into Jamesville for approximately 30-60 days during the repairs. Tully Farms Road right before Otisco Road will have a resurfacing project and it’s hoped to be completed in less than 30 days after school is out so expect there will be detours in that area as well. Supervisor Fitzpatrick thanked Chairman Dave Knapp for all the updates.

8. Motion to audit and pay bills.

**General Fund 14167-14198 $ 33,809.30**

**Highway Fund 14199-14220 $ 48,665.27**

**Special District 14222-14232 $ 88,150.68**

R-63-19 Councilor McConnell moved and Palmer seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

9. Motion to adjourn.

R-64-19 Councilor Dwyer moved Fitzpatrick and seconded the motion to adjourn the meeting. Motion carried 5 - 0.

Daniel Fitzpatrick Supervisor Voted Yes

Steve Zajac Councilor Voted Yes

Melanie Palmer Councilor Voted Yes

Carole Dwyer Councilor Voted Yes

William McConnell Councilor Voted Yes

The Town Board Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Jacqueline G. Roorda

Town Clerk