November 9th, 2017 LaFayette Town Board Meeting Minutes

Minutes of the Town Board Meeting held by the LaFayette Town Board on November 9th, 2017 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: Doug Daniel, Supervisor

 Melanie Palmer, Councilor

 Kerry Evans, Councilor

 Steve Zajac, Councilor

 Recording Secretary: Jacqueline Roorda, Town Clerk

 Others Present: Kevin Gilligan, Town Attorney

 Thomas Chartrand, Budget Officer

 Steve Robson, Deputy Highway Superintendent

 Dave Knapp, County Legislator

 Ralph Lamson, Code Enforcement Officer

 Jim Nakas, Planning Board Chair

 Christine Keenan, Zoning Board Chair

 Anita Minerd, Zoning Board Member

 Sandy & Brad Bush, Planning Board Member

 Rosemary Brodt, Herb Brodt, Connie McEvers

 Jeanie Gleisner, Dennis Earle,

 Elizabeth Esmark, Valerie Rarick

 Kristin, Jay & Ian Colburn,

 Hudson, Christian & Evelyn Borchert

 Christine O’Connell More,

 Albert Nurse, Dylan Kinsella,

 Steve & Kathy Pitoniak

 Mark & Melissa Sheremeta,

 Sean Doolittle, Don Bush

1. Supervisor Daniel called the meeting to order at 7:00 PM and welcomed all in attendance.

2. Pledge to our U.S. Flag was led by Councilor Palmer.

3. The Town Clerk, Jackie Roorda took the Roll. All present.

4. Town Board Minutes of October 10th and October 19, 2017 Regular Meeting.

**Supervisor Daniel moved and Councilor Palmer seconded the motion to accept the October 10th and October 19th, 2017 regular meeting minutes as submitted. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

5. Public Hearings

 A. Adopt Preliminary Budget as Official 2018 Town Budget –

Supervisor Daniel opened the Public Hearing with regard to the 2018 Town Budget and

asked if there is any further concerns or comments regarding the 2018 Preliminary Budget.

 Supervisor Daniel gave a brief explanation of the entire budget process

 Budget requests are presented to the Town Board/Tentative Budget

 Tax Cap per Governor Cuomo

 Budget Workshops reviewing requests and attempting to maintain tax cap &

 keeping taxes as low as possible for the residents/Preliminary Budget

Public Hearing to address any questions or concerns from the Public in order to adopt Preliminary Budget

Supervisor Daniel then opened the Public Hearing regarding the Adoption of the 2018 Preliminary Budget. He asked if there were any questions, comments or concerns regarding any portion of the 2018 Preliminary Budget.

 James Nakas, Planning Board Chair introduced himself explaining that he has been a member of the LaFayette Planning Board for approximately 30 years, Chairman for 10 years and feels that one of the most important parts of both the Planning and Zoning Boards for the town is the administrative support. This entails preparation for the meetings, the agendas, communication with the Code Enforcement Officer, the applicants, the Board Chairman and Board Members, Onondaga County Planning Board, the taking of minutes, posting of meetings and Public Hearings, etc. This all helps each applicant and the entire processes run smoothly. He feels that Jackie Bush Roorda and Sue Marzo have done an excellent job in sharing the position of Secretary to the Planning Board and Zoning Board and are critically important in their roles. He understands that it is a tight budget however, he strongly urges the Town Board to find the money in the budget to compensate them for the work they do. He asks the Town Board to re-examine this matter and grant the salary they are requesting to avoid compromising the process that is essential to the functioning of these Boards.

 Zoning Board Chair, Christine Keenan said that she completely agrees with every word Nakas said and added that the support of the two secretaries is not optional, these Boards cannot operate without them. She urges the Board to find a way to make this work, and find in the budget the little bit of money requested.

 Anita Minerd, ZBA Member, advised that Town Board that they need to find a way to compensate both Sue Marzo and Jackie Roorda for their time and effort as secretary to both boards.

 Planning Board Member Brad Bush, gave a brief scenario of the unfortunate passing of Mary Jo Kelley, wherein Jackie Roorda was forced to learn both Planning and Zoning Board secretarial positions on her own as there was no one to train her. It took time and the support of the Code Enforcer and she did a great job. Sue Marzo is doing a great job attending the meetings and taking the minutes and fortunately has the guidance and support of Jackie in doing the prep work prior to the meetings. He would hate to have the situation happen again, wherein both Boards are faced trying to find replacements for Sue and Jackie.

 Budget Officer Tom Chartrand advised that there is $4,200.00 in the budget now. This is a unique situation as this is usually a one person position and now looking to share the position and salary by two people. He wasn’t aware that the salary request now is for Sue Marzo at $4,200 and Jackie Roorda at $3,000, for a total of $7,200. He further advised that the Preliminary Budget needs to be passed by November 20th. In order to pass it tonight the salary requested would have to be approved, finding a source from another budget line, otherwise the budget could not get approved at this time.

 Supervisor Daniel then asked Councilor Zajac if he had any thoughts regarding what has been discussed.

 Councilor Zajac replied that the Zoning and Planning Secretary is Sue Marzo and she is compensated $4,200.00 for doing her job of taking the minutes and everything else that she does. He advised that he had a conversation with her today advising her that he is in favor of her salary. He does not feel that elevating and splitting the salary would be in the best interest of the Town. He further said that what little Jackie Roorda does, filing, etc. is the job of the Town Clerk and should stay that way. He is not in favor of elevating the salary.

 Councilor Evans commented that this is a one person position, with one salary, Sue Marzo is the Secretary and questioned what if any change in the position from last year that would justify an increase in the budgeted amount.

 Brad Bush advised that per John Langey, LaFayette’s Attorney for the Planning and Zoning Board: “The Town Clerk is a statutory position, with statutory duties, which does not include Zoning Board or Planning Board clerk duties. The Planning Board and Zoning Board Secretary/Clerk are totally separate line items on the budget, a completely separate position from the Town Clerk”.

 Bush then read County Clerk, Lisa Dell’s quote: “The Town Clerk in an independently elected official and NYS Town Law sets their powers and duties. Nowhere in the law is it stated that the Town Clerk is clerk to the Planning Board or Zoning Board of Appeals”.

Supervisor Daniel advised that this substantiates that the duties of the Planning Board and Zoning Board of Appeals Secretary are not Town Clerk duties at all. He surmised that all the Town Clerk is responsible for is accepting the paperwork and payments and makes the deposits in the appropriate accounts. From that point on, it is the Secretary to the Planning and Zoning Boards responsibility. He asked Town Clerk, Jackie Roorda to explain the job description.

Roorda advised that she did a lot of research by reaching out to other Towns in Onondaga County to see if they had a job description or how their Towns handle the Planning and Zoning Board’s secretary. Each town is a little different, some have separate secretaries for each board, some secretaries are also secretary to the Code Enforcement Officer, etc. She had not gotten a job description from any of the Towns. She therefore created a list of the duties which take place from the time an applicant brings their paperwork to the Town until the completion of the decision by the respective boards. Of the 15 on the list she has been doing 12 items and Sue Marzo the three that pertain to attending the meetings, taking the minutes, etc. Roorda explained that Sue is employed in a fulltime position and was unable to be trained, perform the duties of the position that take place during Town Office hours and preparation of the applications for the Boards. Therefore throughout the year she has done that portion of the Secretary position to enable the matters to move forward. Roorda advised that she is all for it being a one person position, however, last year after resigning from this and posting in the newspaper, on the website, in and around town, only one response was made and that was from Sue Marzo. Sue has been doing a great job with the meetings and minutes and they both agreed that they should split the job and salary for now. She also advise that the amount in the 2011 budget was $6,760 to do the same job that she has been doing for the past six years at a significantly lesser amount. If MaryJo had not passed, the salary would have raised significantly. She also thanked the members of the Planning Board and the Zoning Board for their dedication and although only paid $250.00 a year they do a great job and keep the Town on track with the Comprehensive Plan.

 When Sue Marzo retires from her fulltime position, if she is interested in the entire job, she is all for it, however, the job still requires someone in the Town Hall to address the applicants and do all the “leg work”. For now, after the Code Enforcement Officer reviews the applications I have been doing the work because I am not of the mindset to say, “Sorry, that’s not my job” and then nothing moves ahead. Many portions are on a time frame wherein things need to get to the Onondaga County Planning Board, Notices of Public Hearings posted, notifying neighbors, etc. etc.

Councilor Palmer thanked Brad Bush for clarifying that the Planning and Zoning Secretary’s duties are not a part of the Town Clerks duties and said she thinks it’s time for the Board to pull together and put more effort into resolving the budget line and if that means sitting back down and reviewing the budget then that’s what has to happen. Palmer questioned, what options do we have? If we can’t find money in the budget what are we facing…..Sue leaving? Jackie is already overloaded, she still needs to get paid for going above and beyond the Town Clerk duties. The bottom line is to find money in the budget to satisfy everyone and keep the position working. She then asked Chris Keenan, “what are the options:

Keenan replied; “I can’t take minutes at my own meeting that I am chairing and I run a business and don’t have time to do the prep work. If I were ever to do it though, it would cost a lot more than you are paying Sue and Jackie.

Resident Steve Potiniak advised that per State Legislature, he feel this position should be independent from the Town Clerk position and also voiced that the minutes need to be available for the public within two weeks of the meetings.

Attorney Gilligan advised that Steve’s interpretation of the law is not correct, that administrative tasks can be handled for both positions.

Supervisor Daniel stated that ideally it would be nice to have one person in this position but as stated before, when looking for someone only one individual applied therefore the job has been shared. Although that may be the goal in the future, at this juncture sharing the position is working and the salary item needs to be addressed. He then asked if the Board has any other opinions.

Councilor Zajac stated “I have already gave you my opinion”.

Councilor Evans asked “Can we come to a compromise on the salary, somewhere in between?”

Planning Board Chair Nakas stated” I cannot believe we are wasting everyone’s time on such a piddly amount of money. You have a list of the duties longer than your arm, too much work not to pay competent people. Jackie already did this job for four years, without a nickel of a raise.

Resident Herb Brodt commented that Sue Marzo and Jackie Roorda do an excellent job and should get paid for what they do and deserve. He also asked if the Board would consider getting an audio system installed in the meeting room as it is very difficult to hear what is being said at the meetings.

Daniels asked Budget Officer Chartrand what an additional $3,000 in the budget would do as far as taxes. Chartrand advised that it would increase $.01 per $1,000.

Councilor Evans stated that now we are talking $7,280 instead of $4, 280, what’s it doing to the budget? I feel we were working so hard to keep the budget down,

Supervisor Daniel said that after hearing the ZBA and Planning Board Chairs and members and comments from residents he would support moving for the increase to $7,280 and look at other areas of the budget to move the $3,000.

Resident Steven Pitoniak advised that the Town Board, the Planning Board and the Zoning Board of Appeals are the three main things that keep the Town afloat and honest. These three units should take priority over everything. The efficient operation of government should go along with these suggestions.

Deputy Town Clerk Kristin Colburn asked, If Jackie doesn’t do this job, what are you going to do? Are you going to pay the attorneys to do it that will cost a lot more than what you are talking about? I see what she does, $3,000 is not a lot of money for all the work she does for these two boards and she has done it all year for nothing.

Councilor Palmer said, we have heard the people, we are talking small dollars and I don’t see any other options out there. Yes, we spent a lot of time on the budget and it’s our job to represent the town, if we need to sit back down and redo it, then so be it.

 Supervisor Daniel repeated that we need a complete job description because of the complexities of the duties of the Planning and Zoning Secretary to ensure the Town Clerk duties do not run over into the Planning and Zoning Board Clerk’s duties. Also, in the event Sue Marzo or someone else in the future agrees to do the full duties of the position, they will need clarification.

 Supervisor Daniel asked if anyone else had anymore comments regarding the Planning and Zoning Board of Appeals Secretary, no more were voiced. He then advised that there are representatives from the Fire Department whom wish to discuss their Budget.

Donald Bush and Sean Doolittle of the LaFayette Fire Department came to speak on behalf of their budget. They apologized for not being more informed of what the Department had requested in the 2018 Budget and requested the Board to enlighten them with the details.

Supervisor Daniels advised that Mr. Harper was present during the budget meetings wherein the Ambulance budget request was approximately 2% increase and the Fire Department was also approximately 2% increased. It was discovered that there was a clerical error and the Fire Department budget was beyond 2% as a sum of money had not been calculated correctly.

 At this point Supervisor Daniel requested that Deputy Supervisor Palmer take over this portion of the Public Hearing and recused himself from the Town Board as he is a member of the LaFayette Fire Department and felt there is a conflict of interest. He then removed himself, stepping down and sat amongst the residents.

 Budget Officer Chartrand went into specific details of their budget saying in 2017 the Fire Department budget was $240,898/Ambulance was $167,000. The tentative budget request for 2018 Fire Department was $317,400/Ambulance was $167,100 both at a 2% increase. The Preliminary budget for the Fire Department $165,690 a 2% increase and Ambulance was $285,630, a 19% increase. The Town Board further amended it down to $252,625 at an increase of just under 5%, approximately $12,000. Sean Doolittle and Don Bush explained how the Fire Department is trying to work off 990’s standard percentage of increase and that is how they came up with the numbers that were submitted. They also gave examples of how they are trying to keep costs down by refurbishing trucks instead of replacing them, adjusting their equipment replacement plan, checking into purchasing Explorer vehicles instead of trucks as the Chiefs vehicles; extending their vehicle lifetime 20 – 25 years; modifying equipment to keep costs down, etc.

 Councilor Zajac questioned what trucks they were anticipating replacing. Chris Keenan asked if there are specific requirements to replace their equipment because they are Fire Department/Ambulance equipment.

 Don Bush advised the two 2012 Fire Chiefs trucks have 44,000 and 48,000 miles and trading them in now gives them a much better return on their money as far as resale, dependability, wear and tear, etc. Even though the mileage is low, these truck sit idling for long periods of time. With their long term equipment plans, they rotate the fleet to avoid future problems and also new safety and technology requirements increase the prices of equipment each year; the majority of the CO2 detectors with a life expectancy of 3-5 years are at 6 years and it is a requirement that each unit has one.

 Budget Officer Chartrand asked if there is a need to increase over the 5% that the Town Board is offering.

 Both Don Bush and Sean Doolittle expressed that would not be necessary at this time. Resident Dennis Earle commented that it appears that you are in agreement at the 5% increase. Deputy Supervisor Palmer asked if they are in agreement and Bush and Doolittle answered, yes and apologized that they did not have more information.

 Supervisor Daniel returned to the Town Board and asked if there were any other areas in the 2018 preliminary budget that anyone wanted to address. Steve Pitoniak advised that Superintendent John Greeley mentioned that a lot more money is needed for Markland Road due to the manure pit and extra truck traffic.

 Budget Officer Chartrand advised that there already is an increase of 27 ½ % allocated in the Roads Budget for the highway in 2018. Resident Brad Bush asked if something happened to support at 27 ½ % increase for the roads. How does the Town Board base such a large increase? Dennis Earle asked if this meant the amount of mileage increased.

 Councilor Zajac advised that the budget is at $100,000 and they are trying to get back to $130,000 which it was a few years ago, meant to maintain the number of miles of road which includes oil and stone, etc. We don’t want the roads to deteriorate or get beyond simple repairs and just because the Board gives John $127,000 doesn’t mean he’s going to spend it all.

 Bush commented that this looks like a good place for the Town Board to look for the money for the Planning and Zoning Secretary position. He then complimented the highway crew for doing an incredible job with the roads, however he is not a fan of the spending the highway Department does and if they could maintain the roads at $100,000 last year, it seems they should be able to do it again.

 Supervisor Daniel reported that the Town has invested a lot of money in the Highway Department since 2014-15. The new Highway Garage cost was a $3.2 million dollar investment, purchase of a new roller, two new plow truck and a third new plow truck is on order totaling three quarters of a million dollars in equipment, so yes it seems to have spent a great amount of money. He commented that he is leaning in the same direction as Brad Bush, agreeing that the road budget is a good place to modify the preliminary to get the $3,000 for Planning and Zoning Secretary.

He further advised that due to the July 1, 2017 storm damage and working with FEMA to get roads fixed, we won’t have to redo those areas for 10 years. He further commented that he has checked with surrounding towns regarding their highway departments. Pompey’s highway garage was rebuilt in 1973 and their tax base is 314 million more than LaFayette’s. He then asked if there is any more conversation regarding the Highway Budget.

 Steve Pitoniak replied, per Highway Superintendent John Greeley, he said that on Markland Road, there is going to be double the amount of trucks traveling on that road as in the past. Assuming the engineers and John Greeley are correct, isn’t there some truck traffic control the Town needs to do to prevent all the road damage that this is going to cause? Resident Herb Brodt asked if the main farmers are paying taxes like he has to pay.

Supervisor Daniel commented, as we have advised in the past, the Town simply has no control on the number of trucks, especially agricultural trucks or equipment that travel on our roads. Pitoniak advised that he was only quoting what he heard.

Supervisor Daniel then asked Deputy Highway Superintendent, Steve Robson if he had any numbers on Markland Road repairs. Robson said he did not and could not even guess the amount to fix it.

Supervisor Daniel then asked those in attendance if there is any further discussion on the 2018 Town of LaFayette Budget. None were voiced.

 Budget Officer Tom Chartrand reported that the final numbers are in on the health insurance costs and advised that his estimation was within $1,000 overall, which was very close.

 Resident Steve Pitoniak questioned if the wood flower boxes will continue in the Town and what effect they have on the budget? Councilor Palmer explained that the flower boxes have no effect on the budget as the individual who sponsors them are responsible to plant the flowers and maintain them.

**Supervisor Daniel moved and Councilor Palmer seconded the motion to close the Public Hearing on the 2018 Budget. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Palmer seconded the motion to move the funds of $3,000 to make a total of $7,280 for the Planning Board and Zoning Board of Appeals secretary shared position with salaries of $4,280 and $3,000. These funds will be transferred from the contingency budget as to not have any impact on the 2018 preliminary budget. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Evans seconded the motion to adopt the General Town Budget, Highway and Library Budgets with the amendment by the Town Board for the year 2018. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Evans seconded the motion to adopt the West Shore Lighting Budget as presented, for the year 2018.**

**Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Evans seconded the motion to adopt the Coye Road Water District Budget as presented, for the year 2018.**

**Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Evans seconded the motion to adopt the Northeast and Smokey Hollow Road Districts Budget as presented, for the year 2018. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Evans seconded the motion to approve the contract between LaFayette Fire Department and Town of LaFayette and to adopt the LaFayette Fire Department Budget as presented, for the year 2018.**

**Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Evans seconded the motion to approve the contract between LaFayette Ambulance and Town of LaFayette and adopt the LaFayette Ambulance Budget as presented, for the year 2018. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Evans seconded the motion to approve the contract between Jamesville Fire District and Town of LaFayette and adopt the Jamesville Fire District Budget as presented, for the year 2018.**

**Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Supervisor Daniel moved and Councilor Evans seconded the motion to adopt the Southern Onondaga Trash Budget rates at a 2% or $50,000 increase in the budget as presented, for the year 2018. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

Chartrand advised that the rate is still very reasonable with the increase and that the Town has no control over this rate.

 Councilor Evans suggested allowing the Cub-scouts to move ahead in the agenda before the next Public Hearing as they have been patiently waiting to approach the board. All were in agreement.

6. COMMUNICATIONS

 A. Cub Scout Pack 100 Proposed Project~ representatives Hudson Borchert and Ian Colburn along with Cub-master Christian Borchert. The boys read the following:

**Scouting Background**

The Boy Scouts of America is one of the nation’s largest and most prominent values-based youth development organizations, providing programs for young people that build character, trains them in the responsibilities of participating citizenship and develops personal fitness. For more than 100 years, Boy Scouts of America has helped build future leaders by combining educational activities and lifelong values with fun.

Cub Scouting is the foundation of the BSA organization and involves the whole family as parents pitch in to plan and deliver activities. This year the Lafayette Cub Scout Pack has 35 active Scouts between Kindergarten and Fifth Grade. Our 2017-2018 program will include service as part of the fun activities like camping, hiking, singing at the VA Hospital in Syracuse, cleaning trash from local streets and marching in the Lafayette Memorial Day Parade.

**Proposed Service Project**

Our Cub Scout Pack seeks permission to clean headstones at the cemeteries located on Route 11 and Coye Road, both of which reside within the Town of Lafayette’s boundary. This service would be done through parental and leader supervision utilizing safety gear such as eye protection and gloves. Adults would hold each stone for stability while they are scrubbed with a natural bristle brush and diluted biological solution like D/2 by the Cub Scouts. Each cleaned stone would be rinsed at the end of the cleaning process.

In addition to the cleaning of the stones, the Cub Scouts will document interesting facts about the wording, symbols, decorative styles and age of the stones they clean. The Pack will compare notes and debrief their experience under the large pavilion at Stafford Park after the cleaning portion has ended. The pavilion has been reserved from 1-3 PM on November 19th. This is the day we wish to perform this service project.

If we are not approved, we will brainstorm other service project options which may or may not involve Town Board approval. We thank you for considering our request. Cub-master Christian can address the questions or concerns you may have.

~ Representatives Hudson Borchert and Ian Colburn with Cub-master Christian Borchert

Cub Scout Leader Christian Borchert explained the cleaning process which is completely environmentally friendly and added that if weather permits the scouts would like to do this project on November 19th however if that is not possible they aim to accomplish this project in March or April of 2018.

Supervisor Daniel asked if there was anything they need from the Town Board and Hudson answered, no.

**Supervisor Daniel moved and Councilor Evans seconded the motion to support and approve of Cub-Scout Pack #100 to take on this very worthy task of cleaning headstones at the Route 11 and Coye Road commentaries, per their generous request. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

The Town Board then thanked Ian and Hudson and their troop while those in attendance gave them a round of applause.

 Resident Elizabeth Esmark commented that she is very pleased to hear about this project and advised that her father started Cub-Scout Pack 100.

5. PUBLIC HEARINGS (continued)

 B. Public Hearing regarding Restore New York Grant Application

Supervisor Daniel opened the Public Hearing and introduced Jeanie Gleisner.

Jeanie Gleisner, Program Manager from Community Development & Comprehensive Planning, Central NY Regional Planning & Development Board explained that there is a grant opportunity through the State of New York that Ichor Therapeutics is interested in partnering with the Town of LaFayette in applying for the funding. The desire is to rehabilitate the old LaFayette Hotel at the corner of Route 20 and Route 11, making 8 apartments and two commercial areas. This is a great opportunity for LaFayette and Ichor Therapeutics. The Town will be doing the application and her role and the role of Empire State Development is to assist with the grant writing as a service to the Town applicants and in agreement with the developer, funneling the money through the developer. They will be requesting $500,000 and Kelsey Moody and Ichor are already getting the estimates for all the work including resolving water/septic issues with the building.

 Resident Steve Pitoniak asked if the Town has to match 10% of the money granted. Gleisner replied, yes so if $500,000 is received the Town is required to match $50,000, in this situation can be paid by the Developer along with a 1% commitment fee, which Kelsey Moody is paying as well.

 Pitoniak added, LaFayette was not on the list of economically distressed towns and I thought Empire State Developer Corp grants are only for those distressed towns.

 Gleisner replied, that does not mean LaFayette is not a candidate for this grant, it just puts LaFayette in a different light. LaFayette has a great story as it is the intersection of Routes 20 and 11, adjacent to Route 81; an old hamlet and more particularly a very sellable project. Kelsey’s business has really grown and continues to take off. This grant loves to help with this type of project to keep growing. There is a lot of work to get done before the December 15 due date.

 Chris Keenan asked if she is writing the grant, Gleisner answered, yes and added that this will be a two year project.

Resident Herb Brodt asked if there is a purchase agreement in place. Gleisner answered, yes.

Steve Pitoniak questioned the NYS DOT proposed plan for the four corners, won’t that effect this. Gleisner replied that the DOT does not have the funds in the budget for the proposed plan and the DOT is required to work with the Town of LaFayette and cannot tear the rehabilitated building down in terms of the Comprehensive Plan.

Resident Christine O’Connell More, of Deer Run Road advised that she is completely in support of this project and hopes and feels everyone will support it as well.

 Other Comments:

• The current building is an eyesore and has been for many years.

• It is a poor reflection of our Town which was recently featured in the Post-Standard as the “Crossroads of New York”.

• Kelsey Moody and Ichor have been such a positive addition to LaFayette in so many ways, I hope this application with Restore New York gets funded.

• We are completely in support of the Restore New York Application for funding to utilize the old LaFayette Hotel making it more appealing to residents and visitors traveling through LaFayette.

Supervisor Daniel asked if there were any further comments, questions of concerns regarding this. No further comments were voiced.

**Supervisor Daniel moved and Councilor Palmer seconded the motion to close the Public Hearing regarding the Grant Application for Restore New York. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**Municipal Resolution:**

**Supervisor Daniel moved and Councilor Evans seconded the motion** **findingthat the proposed project of applying for grant funding to rehabilitate the old**

**La Fayette Hotel at 5998 Route 20 East, is consistent with the Town of La Fayette’s Comprehensive Plan; that the proposed financing is appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and that the rehabilitation project develops and enhances wastewater infrastructure facilities in a manner that will attract, create and sustain employment opportunities.    Motion carried 4-0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

Attorney Gilligan asked who will be doing the agreement between the Town of LaFayette and Kelsey Moody/Ichor Therapeutics. Gleisner advised that it is a standard State agreement form and that she had the agreement with her and she will provide a copy for him.

6. COMMUNICATIONS (continued)

 B. Christine Olivadoti & Tara Long – Donation of the use of the Community Center for a kids Christmas Sale profits to be donated to the Matthew 25 Farm.

Christine’s mother spoke on behalf of Christine as she was unable to attend the meeting, explaining their request to have use of the Community Center on December 1st and 2nd for the Holiday Christmas Shop for kids up to age 12 in the local area with proceeds to go to Matthew 25 Farm. Matthew 25 Farm is entering its tenth year as a not-for-profit public charity with the sole mission of growing, harvesting and distributing fresh produce, free of charge, to dozens of food pantries, soup kitchens, half-way houses and directly to families in need throughout five counties in Central New York.

Supervisor Daniel asked Town Clerk, Jackie Roorda if the dates they requested are available and if there is paperwork they need to complete. Roorda advised that the dates are fine and paperwork is as well.

**Supervisor Daniel moved and Councilor Evans seconded the motion giving permission to Matthews 25 Farm to use the Community Center on December 1st and 2nd, 2017 and waive the fees for this worthy project. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 C. Morezak Road Qualified Abandonment -

Supervisor Daniel read the November 8th, 2017 letter that Attorney Wendy S. Lougnot of Costello, Cooney and Fearon, PLLC sent to Robert O’Leary, Esq. Of Onondaga County Department of Law on behalf of the Town of LaFayette. To date there has not been a response from the County.

Attorney Kevin Gilligan explained that the County will have to hold a Public Hearing and the County Highway Superintendent will have to determine that no one suffers by the abandonment of the road to protect the adjacent landowners, who will be getting a Notice of the Public Hearing. He suggested that they and a Town Board member attend and participate in the County Public Hearing. He further stated that the Town of LaFayette has done everything on our end and the Public Hearing is the next step.

Resident Mark Sheremeta commented that they are very satisfied with the Town’s efforts on this matter and stating that it sounds exactly as has been discussed as far as the Right-of-way. Melissa Sheremeta questioned the Town putting in statute the size of the gate at 16 feet as previously determined and ensuring that the gate will always be unlocked.

Supervisor Daniel and Councilor Palmer advised that one of them will be sure to attend the County Public Hearing and requested that they notify the Town when they get the notice of the public hearing.

 D. Jamesville Dewitt Operation Graduation 2018 support request.

Councilor Evans advised that in the budget workshops many items had to be cut from the budget, this being one of them. As the liaison to the schools, she will get in touch with Sue Smith advising that the Town will not be able to support this cause in 2018.

6. OPEN COMMUNICATION FROM THE PUBLIC

 1. Steve Pitoniak commented that the manure pit on Markland Road remains empty and questioned it if was empty due to any action of the Town Board? Supervisor Daniel replied that as is always the case, the Town Board has no jurisdiction over any Ag and Markets matter such as the manure pit and he has no idea why there is no manure in the pit at this time.

7. REPORTS

 1. Town Supervisor’s Report - Supervisor Daniel commented that Budget Officer Chartrand had to leave to meeting to attend another Town’s Meeting, however the October Supervisor’s report was made available for the Town Board’s review. No one had any questions or comments regarding same.

b. Transfer of Appropriations

GENERAL FUND

To:

 A1380.4 Fiscal Agent Fee Contractual 2,200.00

 A7310.1 Youth Program Personal Services 1,000.00

 A8090.4 Environmental Contractual 8,000.00

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 TOTAL 11,200.00

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From:

 A1990.4 Contingent Contractual 10,200.00

 A7310.4 Youth Program Contractual 1,000.00

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 TOTAL 11,200.00

 =========== **Supervisor Daniel moved and Councilor Palmer seconded the motion to approve the above listed transfer of funds per Budget Officer Chartrand recommendations.****Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 2. Highway –

 A. Superintendent Report – Steve Robson, Deputy Highway Superintendent presented John Greeley’s report in his absence.

 Roads- No report

 Equipment – 80% of snow equipment is active ready. Upon budget approval, need to order snow equipment for new plow truck.

The old 1999 International Plow Truck sold for $7,200.00 on Auctions International. The check will be mailed out on Friday.

**Supervisor Daniel moved and Councilor Evans seconded the motion to approve ordering the snow plow equipment for the recently purchased truck in the amount of $125,000.00 to be paid for out of the 2108 approved budget.**

 **Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

B. Steve Robson asked Attorney Gilligan what is the status of the service contract with D & W regarding the annual service agreement on the compressor at the highway department. Gilligan advised that the last communication he had with D & W was in May, he called them today and was advised that they will follow up on this and get back to him.

 C. Robson advised that they will be working with the Parks Department to store the lawnmower and tractor this winter.

 D. Highway Committee Member/Councilor Zajac advised that Highway Superintendent John Greeley request he read the following memo on his behalf. – Highway Superintendent and Steve Robson, Deputy Highway Superintendent.

Memo for the Town Board from the LaFayette Highway Superintendent:

 “In an effort to stay connected with County FEMA and Homeland Security Emergency Service, the Highway Department respectfully request a status of the Bond Resolution to permanently repair Ortloff – Cascade – Clark Hollow and Deer Run. I believe on October 10th, $810,000.00 was approved to make permanent repairs and monies spent from the Highway budget could be paid back from the bond also. C & S Engineering has provided the necessary info to proceed forward. I urge the Town Board to move forward with the Resolution and not worry about a number, instead look at the process of initiating the Bond. The damage to LaFayette roads happened in July of 2017 and surrounding Towns have already moved forward with the Bonding in an effort to repair damaged roads from the July Storms.”

 Respectfully submitted,

 John Greeley, Highway Superintendent

 Steve Robson, Deputy Superintendent.

Councilor Zajac explained that they are looking for some progress of initiating the bond and move ahead to get the $810,000 as approved.

Supervisor Daniel reported that Legislator Dave Knapp advised that he has spoken with the County and there are no funds for improvements and the town needs the changes in the amounts of money in writing. Emergency Services confirmed that upgrades for damages would be on the Town of LaFayette’s dime and we need it in writing. Per telephone conversations with Mark Chambers and Jeff Palin of C & S, these changes in dollar amounts will affect the Town and they agreed we should hold off until December there is nothing to be gained at this time. FEMA will pay back 75% to the Town of LaFayette, of the remaining 25% State FEMA will pay back 12 ½ % and the last 12 ½ % comes out of the Town of LaFayette budget.

 3. Town Clerk

 a. Monthly Report – Town Clerk Jackie Roorda advised that the September Monthly Report was in the Town Board’s packet for their review.

 b. Roorda expressed that she wanted to publically complement and thanked her Deputy, Kristin Colburn for doing an exceptional job in handling all the Town Clerk jobs while she was out for surgery. She said that Kristin stepped up to the plate, which she always does, however she had to learn to do a lot of extras and she handled them great. She further commented that Kristin was able to bring paperwork to her home for her signature and she was able to handle some of the emails etc. from home for the four weeks she was out, but nevertheless she was extremely proud and impressed with Kristin’s dedication and devotion.

c. Voucher - Roorda advised that she was told that there was a question from a Town Board member regarding her and her deputy’s mileage sheets that were submitted at the October meeting as on August 24th, both had listed a trip to the bank for the same day. She had copies verifying both of the deposits for the Boards review explaining that driving to the bank to deposit in the Town Clerk’s and Supervisor’s account happens almost every day and sometimes although rare, two times a day. This approximate 15 mile round trip is done 95% of the time before & after office hours, during their lunch break and even on their days off. She wanted to assure the Town Board that neither of them are trying to rip the Town off and it would be much easier, save the 75 miles a week and wear and tear on their vehicles along with the weekly 2 ½ hours of their personal time if the town banked locally. She also commented that she understands it is in the Towns best interest to bank at NBT and requests that if there is ever any question regarding mileage that they ask her directly.

 Supervisor Daniel commented that he wanted to echo what Roorda said about Deputy Town Clerk, Kristin Colburn and also wanted to publically thank Kristin and praise her for dedication and the extra time she had to put forth to do the Town Clerk duties. Daniel also acknowledged Town Clerk Jackie Roorda for the selfless act of giving one of her kidney to a stranger in need.

 4. Assessor - Town Clerk Jackie Roorda advised that Shawn Adam handed in his official resignation as a member of the Planning Board, effective at the end of his current appointment, December 31st, 2017. Supervisor Daniel commented that it is with regrets to accept Shawn Adams resignation however thanked him for his years of service on that Board. Daniel also advised that he will ask the Planning Board Chair to look for a replacement and if he is unable to find one it falls back on the Town Board to find a suitable replacement for both the Planning and Zoning Board of Appeals.

 5. Building & Zoning Code Enforcement / SPDES –

 a. Ralph Lamson advised that the October Building Permit Report had been submitted and was in the Board’s packet for their review.

 b. Unified Solar Permits – Lamson advised that he received an email regarding increasing the size limit of the roof top solar permits from 14kw to 25 kw. If we decide to increase the permits size to 25 kw, we can amend our fee raising it to $50.00 instead of the $40.00 that it is at now. Lamson commented that bigger systems are needed for bigger homes.

 Attorney Gilligan asked Lamson to send him a copy of the Local Law or Resolution for the original Unified Solar Permits for his review.

 6. Dog Control – No report

 7. Justice Court –

 A. Monthly Reports

 ● 84 Total cases for Judge Perrin; $8,097.00 taken in for the month of September, 2017.

 ● 81 Total cases for Judge Shute; $8,058.00 taken in for the month of September, 2017.

 B. 2016 Audit Report for LaFayette Town Justices

 **Councilor Evans moved and Councilor Palmer seconded the motion to forward to Internal Audit Services (IA) the 2016 audit report as provided by David Lamson, CPA for LaFayette Town Justices Maureen Perrin and Justice Adrian Shute which have been duly examined by this Town Board, and state that the fines therein collected have been turned over to the proper official of the Town as required by law.**

**Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

 8. Library – No report

 9. Parks & Recreation – No report

B. COMMITTEES

 1. Employee Policies and Benefits – No Report

 2. Recreation and Youth/LCC Liaison – LCC was meeting at the same time as the Town Board Meeting. Ski sign up are scheduled for next Wednesday on November 15th just waiting on prices to come in on that.

 3. School District Liaisons – No Report

 4. SOTS & OCRRA – No Report

 5. Service Awards – No Report

C. TOWN ATTORNEY/LITIGATION & OTHER LEGAL MATTERS

 1. PUBLIC HEARINGS

 A*.* Local Law D-2017 amending Local Law 3-2009 relating to the Tax Exemption for Cold War Veterans

Supervisor Daniel opened the Public Hearing advising that and asked if anyone in attendance had any comments, questions or concerns to speak of and requested Attorney Gilligan to give a brief summary. Gilligan advised that basically, the legislation regarding this that was passed 10 years ago has expired. The Town now has the option to waive or terminate the 10 year limit on the tax exemption, making it permanent.

Daniel asked if anyone had anything to add, no one voiced any comments.

**Supervisor Daniel moved and Palmer Evans seconded the motion to close the Public Hearing relating to the Cold War Veterans tax exemption. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**RESOLUTION**

**LAFAYETTE TOWN BOARD**

**November 9, 2017**

The following resolution was offered by Supervisor Daniel, who moved its adoption, seconded by Palmer to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law D-2017, Amending Local Law 3-2009 relating to a Tax Exemption for Cold War Veterans in Accordance with § 458-b of the New York State Real Property Tax Law, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held October 10, 2017; and

**WHEREAS**, a public hearing was held on said proposed Local Law No. D-2017 on November 9, 2017 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, at its October 10, 2017 meeting the Town Board determined that this proposed legislation is a Type II action for purposes of SEQR, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. D-2017.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. D-2017 as Local Law No. 4-2017 as follows:

**TOWN OF LAFAYETTE**

**LOCAL LAW NO. 4-2017**

**A Local Law Amending Local Law 3-2009 relating to a Tax Exemption for Cold War Veterans in Accordance with § 458-b of the New York State Real Property Tax Law**

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

**Section 1. Purpose.**

The purpose of this local law is to amend Section 4C of Local Law 3-2009 to remove the 10-year limitation on the Cold War Veterans Tax Exemption, as authorized by Chapter 290 of the 2017 Session Laws of the State of New York, amending § 458-b of the New York Real Property Tax Law.

**Section 2. Section 4-C of Town of LaFayette Local Law 3-2009 is amended so that it reads, as follows:**

“C. The exemption provided by this Local Law shall apply to qualifying owners of qualifying real property, for so long as they remain qualifying owners.”

**Section 3. This Local Law shall take effect upon its filing with the New York Secretary of State.**

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

 **Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

B. Local Law E – 2017 extending an additional 6 month moratorium regarding Free Standing Solar Panel Installations

Supervisor Daniel opened the Public Hearing advising that and asked if anyone in attendance had any comments, questions or concerns to speak of.

 Councilor Palmer asked if this would affect the proposal for a large solar farm on Palladino Road in an agricultural district.

 Code Enforcement Officer, Ralph Lamson advised that he has not heard anything regarding that and thinks that proposal has dried up.

 Supervisor Daniel asked if anyone had any other comments or questions to add. None were voiced.

**Supervisor Daniel moved and Palmer seconded the motion to close the Public Hearing relating to the additional six (6) month moratorium. Motion carried 4 - 0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

**TOWN OF LAFAYETTE**

**TOWN BOARD RESOLUTION**

**November 9, 2017**

The following resolution was offered by Councilor Palmer, who moved its adoption, seconded by Councilor Evans, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. E-2017, “A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on the Review and/or Issuance of Any and All Permits, Certificates, Licenses and Approvals for the Construction, Use or Operation of Free Standing Solar Panel Installations in the Town of LaFayette,” was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on October 10, 2017; and

**WHEREAS**, a public hearing was held on such proposed local law on November 9, 2017, by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, on October 10, 2017 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. E-2017 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under State Environmental Quality Review Act; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. E-2017.

**NOW, THEREFORE**, it is

**RESOLVED** that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. E-2017 as Local Law No. 5-2017 as follows:

**“TOWN OF LAFAYETTE**

**PROPOSED LOCAL LAW 5-2017**

**Proposed Local Law 5-2017 Extending for an Additional six (6) month**

**Moratorium on the Review and/or Issuance of Any and All Permits, Certificates,**

**Licenses and Appeals for the Construction, Use or Operation of Free Standing**

**Solar Panel Installations within the Town of LaFayette**

SECTION 1: LEGISLATIVE INTENT

The Town of LaFayette presently has in effect a Town Zoning Law which has established regulations for building, construction and allowable uses within the town. The Town Board is of the opinion that a period of time is necessary to adequately review the current regulations concerning free standing solar panel installations, and to determine whether additional local regulations are necessary in order to preserve and protect health, safety and welfare of its residents. Such free standing solar panel installations can be both residential, commercial, large, obtrusive, and can and may pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations that may pose a risk. This moratorium will enable town officials to review and comprehensively address the issues involved with free standing solar panel installations that are becoming increasingly popular in our rural community. The town recognizes the potential benefits and desirability of solar power and renewal energy sources, but determines time and research is necessary to determine how to properly regulate the installations. The Supervisor and Town Board deem this moratorium emergent and immediately necessary for the Town. This Local Law is enacted pursuant to the authority of the New York State Municipal Home Rule Law.

SECTION 2: DEFINITIONS

Free Standing Solar Panels – A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy. Such devices or installations may be free standing or pole mounted.

 For purposes of this moratorium the definition of Free Standing Solar Panels shall not include residential solar panel applications with a rated capacity of 12 kw or less so long as the power generated by said residential solar panels is principally used for the residential use for the property on which it is located.

Person - The term person shall include any individual, partnership, association, corporation, landowner, lessee or licensee.

SECTION 3: MORATORIUM

1. The Town Board hereby enacts a moratorium which shall prohibit the construction, erection or placement of Free Standing Solar Panels anywhere within the Town.
2. For a period of six (6) months following the effective date of this Local Law, or sooner if the Town Board so determines by resolution that the intent and purpose of this law has been satisfied, the Town Board, the Town Planning Board, the Zoning Board of Appeals and the Code Enforcement Officer and all other officers and employees of the Town of LaFayette shall not accept, process, review or grant approval of any Building Permit, Site Plan, Use Variance, Area Variance or Specific/Special Permit applications or any other land use approval pursuant to the Zoning Law of the Town of LaFayette or any other laws of the Town, in connection with Free Standing Solar Panels within the Town of LaFayette, regardless of whether such applications have been submitted to the Town Board, Planning Board, Zoning Board of Appeals or Code Enforcement Officer prior to the effective date of this Local Law.
3. This moratorium shall apply to all zoning districts and all real property within the Town.
4. Free Standing Solar Panels that have been previously approved are expressly excluded from this moratorium.
5. This Local Law shall act as an extension to the moratorium adopted by the Town Board on June 19, 2017 and filed with the New York Department of State on June 19, 2017.

SECTION 4: RELIEF FROM PROVISIONS OF THIS LOCAL LAW

1. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.
2. Application for relief shall be filed in triplicate with the Town Clerk together with a filing fee of $250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorneys’ fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.
3. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made by the Town Board solely, after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.
4. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Clerk, and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 5: PENALTIES

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a free standing solar panel in violation of the provisions of this local law, shall be subject to:

1. A fine not to exceed One Thousand and 00/100 Dollars ($1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.
2. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

SECTION 6: ENFORCEMENT

This local law shall be enforced by the Code Enforcement Officer of the Town of LaFayette or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

SECTION 7: VALIDITY & SEVERABILITY

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 8: EFFECTIVE DATE

This local law shall take effect immediately upon enactment and shall remain in force and effect for a period of six (6) months from the date of enactment.

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

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

The foregoing resolution was thereupon declared duly adopted.

10. Motion to audit and pay bills.

 **General Fund 11694-11725 $ 40,478.05**

 **Highway Fund 11726-11740 $ 43,548.98**

 **Special District 11742 $ 90.44**

Supervisor Daniel moved and Councilor Palmer seconded the motion to audit and pay the above listed bills. Motion carried 4 - 0.

 Doug Daniel Councilor Voted Yes

 Steve Zajac Councilor Voted Yes

 Melanie Palmer Councilor Voted Yes

 Kerry Evans Councilor Voted Yes

11. Motion to adjourn.

**Supervisor Daniel moved and Palmer seconded the motion to adjourn the Meeting. Motion carried 4 -0.**

 **Doug Daniel Supervisor Voted Yes**

 **Melanie Palmer Councilor Voted Yes**

 **Kerry Evans Councilor Voted Yes**

 **Steve Zajac Councilor Voted Yes**

Meeting adjourned at 7:28 pm.

Respectfully Submitted,

Jacqueline G. Roorda

LaFayette Town Clerk