

TOWN OF CONSTANTIA
MINUTES – PUBLIC HEARING - TOWN BOARD – January 8, 2019
6:00 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor
Richard Colesante, John Metzger Thomas Moran – Council Members
Clare Haynes – Town Clerk
Absent: Frank Tomaino – Council Member
Wayne Woolridge - Highway Superintendent
Warren Bader - Town Attorney

CALL TO ORDER:

At 6:00 pm Mr. Mosley called the public hearing to order with the pledge of allegiance.

DISCUSSION:

Mr. Colesante and Mr. Moran will be on the committee along with members of the planning board to create new laws for both wind and solar power installations. Mr. Colesante would like to ask for a representative from the Tug Hill Commission that has knowledge on these issues to attend the meetings. Mr. Colesante will contact Ms. Petkash to set some meeting dates, possibility the first or second Tuesday of the month.

CLOSE:

With no residents in attendance at 6:30pm Mr. Metzger made the motion to close the public hearing, seconded by Mr. Colesante.

Carried: Colesante – Yes Metzger – Yes Moran – Yes Mosley – Yes

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law 1-2018, imposing a nine (9) month Moratorium on Free Standing Solar Panel Installations within the Town of Constantia, was presented and introduced at a Supervisor’s Meeting of the Town Board of the Town of Constantia held December 3, 2018; and

WHEREAS, a public hearing was held on said proposed Local Law No. 1-2018 on January 8, 2019 by the Town Board of the Town of Constantia 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 Constantia 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 December 3, 2018 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. 1-2018.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact Proposed Local Law No. 1-2018 as Local Law No. 1-2019 as follows:

“TOWN OF CONSTANTIA

LOCAL LAW 1-2019

Local Law Imposing a Nine (9) Month Moratorium

on Free Standing Solar Panel Installations within the Town of Constantia

SECTION 1: LEGISLATIVE INTENT

The Town of Constantia presently has in effect a Town Land Development 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.

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, pole mounted, building integrated or rooftop panels.

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

SECTION 3: MORATORIUM

A. The Town Board hereby enacts a moratorium which shall prohibit Free Standing Solar Panels anywhere within the Town, provided, however, that such moratorium shall not apply to rooftop panels which are used

- primarily for residential purposes.
- B. For a period of nine (9) months following the effective date of this Local Law, or for a shorter period 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 Constantia 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 Land Development Law of the Town of Constantia or any other laws of the Town, in connection with Free Standing Solar Panels within the Town of Constantia, 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.
- C. This moratorium shall apply to all zoning districts and all real property within the Town.
- D. Free Standing Solar Panels that have been previously approved are expressly excluded from this moratorium.

SECTION 4: RELIEF FROM PROVISIONS OF THIS LOCAL LAW

- A. 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.
- B. 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 New York State Town Law, Section 267-b(2) in reviewing any application for relief.
- C. 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.
- D. 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:

- A. 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.
- B. 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 Constantia 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 passage and thereafter filed with the New York State Department of State and shall remain in force and effect for a period of nine (9) months from the date of passage.”

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

Ken Mosley	Supervisor	Voted	Yes
Richard Colesante	Councilor	Voted	Yes
John Metzger	Councilor	Voted	Yes
Tom Moran	Councilor	Voted	Yes
Frank Tomaino	Councilor	Absent	

The foregoing resolution was thereupon declared duly adopted.

DATED: January 8, 2019

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law 2-2018, imposing a nine (9) month Moratorium on Wind Energy Conversion Systems within the Town of Constantia, was presented and introduced at a Supervisor’s Meeting of the Town Board of the Town of Constantia held December 3, 2018; and

WHEREAS, a public hearing was held on said proposed Local Law No. 2-2018 on January 8, 2019 by the Town Board of the Town of Constantia 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 Constantia 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 December 3, 2018 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. 2-2018.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact Proposed Local Law No. 2-2018 as Local Law No. 2-2019 as follows:

**“TOWN OF CONSTANTIA
LOCAL LAW 2-2019**

**Local Law Imposing a Nine (9) Month Moratorium
on Wind Energy Conversion Systems within the Town of Constantia**

SECTION 1: LEGISLATIVE INTENT

The Town of Constantia presently has in effect a Town Land Development 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 wind energy conversion systems (windmills) installations, and to determine whether additional local regulations are necessary in order to preserve and protect health, safety and welfare of its residents. Such wind energy conversion systems 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 wind energy conversion systems that are becoming increasingly popular in our rural community. The town recognizes the potential benefits and desirability of wind power and renewal energy sources, but determines time and research is necessary to determine how to properly regulate the systems. The Supervisor and Town Board deem this moratorium emergent and immediately necessary for the Town.

SECTION 2: DEFINITIONS

Wind Energy Conversion System –

A machine that converts the kinetic energy in the wind in a usable form (commonly known as a “wind turbine” or “windmill”). Such devices or installations may be free standing, pole mounted or building integrated.

Person -

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

SECTION 3: MORATORIUM

- A. The Town Board hereby enacts a moratorium which shall prohibit Wind Energy Conversion Systems anywhere within the Town.
- B. For a period of nine (9) months following the effective date of this Local Law, or for a shorter period 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 Constantia 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 Land Development Law of the Town of Constantia or any other laws of the Town, in connection with Wind Energy Conversion Systems within the Town of Constantia, 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.
- C. This moratorium shall apply to all zoning districts and all real property within the Town.
- D. Wind Energy Conversion Systems that have been previously approved are expressly excluded from this moratorium.

SECTION 4: RELIEF FROM PROVISIONS OF THIS LOCAL LAW

- A. 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.
- B. 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 New York State Town Law, Section 267-b(2) in reviewing any application for relief.
- C. 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.
- D. 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 Wind Energy Conversion System in violation of the provisions of this local law, shall be subject to:

- A. 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.
- B. 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 Constantia 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 passage and thereafter filed with the New York State Department of State and shall remain in force and effect for a period of nine (9) months from the date of passage.”

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

Ken Mosley	Supervisor	Voted	Yes
Richard Colesante	Councilor	Voted	Yes
John Metzger	Councilor	Voted	Yes
Tom Moran	Councilor	Voted	Yes
Frank Tomaino	Councilor	Absent	

The foregoing resolution was thereupon declared duly adopted.

DATED: January 8, 2019

2019 TOWN OF CONSTANTIA APPOINTMENTS:

Mr. Colesante made the motion to approve the following:

Official newspaper - **Citizen Outlet**

Meeting nights - **3rd Tuesday 6:30 bills 7:30 meeting**

Supervisor’s meeting – **1st Monday of the month with the exception of holidays at 9am**

Depository - **Pathfinder**

Payroll service - **ADP**

Mileage rate - **.50**

Bookkeeper to the Supervisor -**Nancy Butler, Term Expires 12/31/19**

Assessor – **Warren Wheeler, New Term Expires 9/30/2025**

Assessor’s Clerk P/T - **Lynn Hardy, Term Expires 12/31/19**

Dog Control Officer - **Karen Ashley, Term Expires 12/31/19**

Deputy Supervisor - **Thomas J. Moran, Term Expires 12/31/19**

Deputy Town Clerk and Deputy Registrar of Vital Statistics - **Rhonda Cottet, Term Expires 12/31/19**

Park Director - **Krista Lewis, Term Expires 12/31/19**

Justice Clerk to Justice Mark Simpson - **Julie Simpson, Term Expires 12/31/19**

Justice Clerk to Justice Stephen Pelon – **Clare Haynes, Term Expires 12/31/19**

Town Historian - **Margaret Peck, Term Expires 12/31/19**

Code Enforcement Officer – **John T. Haynes, Term Expires 12/31/19**

Board of Appeals – **Susan Kimmel, Term Expires 12/31/2024**

Planning Board – **Vacant, Term Expires 12/31/2025**

Board of Assessment Review- **Charles Williams, Term Expires 9/30/2021**

Park and Recreation Commission – **Richard Colesante, Term Expires 12/31/2025**

Secretary Planning/Board of Appeals - **Kay Foster, Term Expires 12/31/2019**

Seconded by Mr. Metzger.

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley - Yes

HOLIDAYS:

Mr. Colesante made the motion to accept the following holidays for 2019:

New Years’ Day	Tuesday, January 1st
Dr. Martin Luther King Jr. Day	Monday, January 21st
President Day	Monday, February 18th
Memorial Day	Monday, May 27th
Independence Day	Thursday, July 4th
Labor Day	Monday, September 2nd
Primary Day	Floater Holiday
Columbus Day	Monday, October 14th
Election Day	Floater Holiday
Veterans’ Day	Monday, November 11th

Thanksgiving Day
Christmas Day

Thursday, November 28th
Wednesday, December 25th

Seconded by Mr. Metzger.

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley - Yes

2019 SALARIES:

Mr. Colesante made the motion to approve the salaries for the General Fund employees, Park and Recreation employees, Highway Fund employees and all board stipends as listed below:

General Fund - 2019

Name - Title		Salary or Hourly Rate/ yr.	
Dog Control Officer	S	\$10,825.00	
Town Attorney	S	\$12,655.00	
Supervisor's Clerk	s	\$18,950.00	
Councilman - 4 positions	S Each	\$4,000.00	
Maintenance	H	\$15.50	
Town Supervisor	S	\$11,485.00	
Assessor's Clerk	H	\$15.85	
Town Clerk	S	\$37,481.00	
Code Enforcement Officer	H	\$17.50	Increase to \$20 when certification is received
Deputy T-Clerk	H	\$14.70	
Dir. Parks and Rec	S	\$3,410.00	
Judge #1	S	\$9,981.00	
Judge's Clerk #1	S	\$7,980.00	
Judge #2	S	\$9,981.00	
Judge's Clerk #2	S	\$7,980.00	
Assessor	S	\$27,744.00	

Approved 1/8/2019

Park and Recreation - 2019

Rec Leader III (Supervisor)	H	\$15.71
Rec Leader II (Weekend Supervisor)	H	\$11.10
Rec Leader II (Ass't Supervisor)	H	\$11.10
Rec Leader II (Evening Supervisor)	H	\$11.10
Rec Leader I (Arts & Crafts)	H	\$11.10
Rec Leader I (Activities)	H	\$11.10
Rec Leader I (Counselors)	H	\$11.10
Public Health Tech	H	\$11.50
Aquatics Director	H	\$14.00
Life Guard WSI	H	\$14.00
Life Guard III	H	\$12.00
Life Guard II	H	\$12.00
Life Guard I	H	\$12.50

Approved 1/8/2019

Highway Fund - 2019

Name - Title	Hourly Rate	Yearly Amount
Woolridge, Wayne	Salary	\$56,100.00
4 Heavy Equipment Operator	\$23.74 Hourly	
1 Deputy Highway Superintendent	\$25.00 Hourly	
Medium Equipment Operator	\$18.00 Hourly	
Seasonal 1	\$18.00 Hourly	

Approved 1/8/2019

Boards - 2019

- | | | |
|--------------------------------|----------|--------|
| 1) Planning Board | | |
| Chairman | \$500.00 | Yearly |
| Member, per meeting attended | \$20.00 | |
| Secretary per hour | \$13.00 | |
| 2) Board of Appeals | | |
| Chairman, per meeting attended | \$30.00 | |
| Member, per meeting attended | \$15.00 | |
| Secretary per hour | \$13.00 | |
| 3) Board of Assessment Review | | |
| Chairman | \$200.00 | Yearly |
| Members | \$150.00 | Yearly |

Seconded by Mr. Moran.

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

PROCUREMENT POLICY:

Discussion on the current procurement policy, Mr. Tomaino is not in attendance but the board understands that he has concerns with the way this policy is used. Mr. Colesante stated that this is a working document, so it can be changed at any time, for example a written justification clause can be added to the policy. Mr. Metzger thinks the board needs to pay attention to the entire process. When speaking about the recent purchase in the end Mr. Woolridge did get the best deal for the Town.

Mr. Colesante made the motion to approve the following 2019 Procurement Policy.

PROCUREMENT POLICY

Guideline 1 - Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2 – All purchases of a) supplies or equipment which will exceed \$10,000 in the fiscal year or b) public works contracts over \$20,000 shall be formally bid pursuant to GML 103.

Guideline 3 – All estimated purchases of:

- Less than \$10,000 but greater than \$3,000 require a written request for a proposal (RFP) and written or internet quotes from 3 vendors
- Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral **or** internet quotes from 2 vendors
- Less than \$1,000 but greater than \$250 are left to the discretion of the Purchaser

All Estimated public works contracts of:

- Less than \$20,000 but greater than \$10,000 require a written RFP proposal from 3 contractors
- Less than \$10,000 but greater than \$ 3,000 require a written RFP proposal from 2 contractors
- Less than \$ 3,000 but greater than \$ 500 are left to the discretion of the Purchaser

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/oral quotes have been requested and the written/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4 – The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5 – A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of the proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6 – Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services
- b) Emergencies
- c) Sole source situations
- d) Goods purchased from agencies for the blind or severely handicapped

- e) Goods purchased from correctional facilities
- f) Goods purchased from another governmental agency
- g) Goods purchased from auction
- h) Goods purchased for less than \$250
- i) Public works contracts for less than \$500

Guideline 7 – This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

Seconded by Mr. Metzger.

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

OFFICIAL UNDERTAKING:

Mr. Metzger made the motion to approve the official undertaking for 2019, seconded by Mr. Colesante.

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

*signed undertaking will be at the end of this document.

AUDIT OF CLAIMS:

COUNCILMAN: Metzger

Introduced the following and moved its adoption:

RESOLVED, that:

The Constantia Town Board authorizes the Supervisor to pay in advance the audit of claims for public utilities services such as electric, water, fuel oil, and telephones services as well as postage, freight, express charges and health insurance. Claims for these payments shall be presented at the next regular meeting for audit.

Seconded by Councilman: Moran

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

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

AMBULANCE CONTRACT:

Mr. Mosley did invite Mr. Robbins and Mr. Avery to the February 4th Supervisor Meeting. Mr. Robbins will be there but he was unsure if Mr. Avery could attend as he works during the day. The board members do have questions that hopefully will be able to be answered at this meeting.

COUNCILMAN: Colesante

Introduced the following and moved its adoption:

RESOLVED, that:

The town board for the town of Constantia will approve the contract with North Shore Ambulance in the amount of Two Hundred Sixty Nine Thousand One Hundred Eighty Nine (\$269,189.00) dollars to be paid as follows:

\$134,594.50 Dollars by April 1, 2019 and

\$134,594.50 Dollars by October 1, 2019

Seconded by Councilman: Metzger

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

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

*signed contract will be at the end of this document.

FIRE CONTRACTS:

COUNCILMAN: Colesante

Introduced the following and moved its adoption:

RESOLVED, that:

The town board for the town of Constantia will approve the Fire Protection Contract between the town of Constantia and Constantia Fire District #1 in the amount of One Hundred Thirty Thousand Four Hundred Twelve (\$130,412.00) dollars to be paid on or before April 1, 2019.

Seconded by Councilman: Moran

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

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

*signed contracts will be at the end of this document.

COUNCILMAN: Colesante

Introduced the following and moved its adoption:

RESOLVED, that:

The town board for the town of Constantia will approve the Fire Protection Contract between the town of Constantia and Constantia Fire District #1 in the amount of Ninety Four Thousand Sixty (\$94,060.00) dollars to be paid on or before April 1, 2019.

Seconded by Councilman: Moran

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

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

*signed contracts will be at the end of this document.

COUNCILMAN: **Colesante**

Introduced the following and moved its adoption:

RESOLVED, that:

The town board for the town of Constantia will approve the Fire Protection Contract between the town of Constantia and the village of Cleveland in the amount of Ninety Four Thousand Sixty (\$94,060.00) dollars to be paid on or before April 1, 2019.

Seconded by Councilman: **Moran**

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

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

*signed contracts will be at the end of this document.

KENNEL AGREEMENT:

COUNCILMAN: **Colesante**

Introduced the following and moved its adoption:

RESOLVED, that:

The town board for the town of Constantia will approve the Kennel Agreement between the town of Constantia and Karen Ashley, Dog Control Officer in the amount of One Thousand Five Hundred (\$1,500.00) dollars to be paid in four (4) equal payments of \$375.00 per payment at the end of each quarter, March 31, June 30, September 30 and December 31, 2018.

Seconded by Councilman: **Moran**

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

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

*signed contracts will be at the end of this document.

WORKPLACE VIOLENCE:

Mr. Colesante made the motion to accept the workplace violence policy for 2019

It is the Town of Constantia’s policy to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive at our agency, no agency is immune. Disruptive behavior at one time or another will affect every agency.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is; all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

We need your cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on agency premises, whether he or she in an agency employee or not, report it immediately to their Department Head or the Town Supervisor. Supervisor or Department Heads who receive such reports should advise the Town Board regarding investigating the incident and the appropriate action.

(Please Note: Threats or assaults that require immediate attention should be reported to the Sheriff’s Department or New York State Troopers.)

We will support all efforts made by Department Heads or the Town Supervisor in dealing with violent, threatening, harassing, intimidating or other disruptive behavior in our workplace and will monitor whether this policy is being implemented effectively.

DESIGNATED CONTACT PEOPLE:

NAME: Kenneth C. Mosley

TITLE: Town Supervisor

PHONE: (315) 345-2571

NAME: Thomas Moran

TITLE: Councilman

PHONE: (315) 623-7768

Seconded by Mr. Moran.

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley – Yes

BOARD COMMENT:

Mr. Colesante asked about the Sexual Harassment Policy, is it in place, Mr. Mosley answered yes. The training needs to be done by October, plans are to do the training in June to catch the park employees. All employees and board members will need to attend the training. NYMIR is working on creating a training program.

Mr. Mosley has a few items for the board:

-Should he be calling on the church property next door, members in attendance said no wait for the owner to contact the town.

-House at 11 Dutcherville Rd should he contact the owner? Mr. Metzger would like to discuss with Mr. Woolridge to get his feelings on if it is really beneficial then maybe move forward.

-Cyber security, letter received from NYMIR there is a webinar being held on January 10th at 11am and 2pm. Mrs. Haynes told the board that we do not have a firewall, and the town hall has been experiencing some internet issues there is a need for review as it pertains to our IT. Mr. Haynes has reached out to a vender about a firewall, Mrs. Haynes will get more information for the board.

-Barton & Loguidice has sent change order #4 to the Town for review. Highlander has submitted requests for payment from the punch list, B&L has reviewed the list and are agreeing to \$42,478.27. Mr. Metzger believes B&L should deal with Highlander for agreement and then resubmit to the board.

-NYSEFC sent a letter about the unspent grant proceeds in the amount of \$20,912.30 for the North Shore Water District. EFC has determined these grant proceeds can be applied towards the debt service. EFC will apply these proceeds to the Town's next principal payment due on March 4, 2019. Originally the board wanted to use these funds for an audit, with no audit firms answering the legal notice or direct calls to firms the board agrees this will be the best course of action for this district.

-Letter received from Justice Pelon and Justice Simpson that they are ready for their 2018 audits.

-January 29th B&L is requesting a joint sewer meeting, Mrs. Haynes will contact the Village for time.

CODE ENFORCEMENT:

Mr. Colesante would like to discuss legal representation at court cases when Mr. Haynes, CEO has to bring residents to court. Mr. Haynes needs an attorney present especially when the property owner sends one, the board agrees, all Mr. Haynes has to do is notify Mr. Mosley that representation is requested. Mr. Moran wants to make sure that Mr. Haynes understands that even if the attorney is not needed but attends that is fine, the attorney will get paid.

-Sciacca – Spring is when the people will come back to inhabit the campers. Mr. Haynes feels Mr. Sciacca will fight having to remove the campers so the attorney for the Town needs to be prepared. Mr. Mosley told the board that the adjoining property will need to be sited, as it has the same issues.

-Corsette – In April the building permit for 35 Kibbie Lake Rd will be expired. The Land Development Law indicates he can get a one year extension, Mr. Metzger does not believe it should be reissued, Mr. Corsette has not gone forward with any type of building. The Town will need legal advice to answer, does the Town have to give the extension and what is considered an interim dwelling?

ADJOURN:

At 7:50 pm Mr. Metzger made the motion to adjourn, seconded by Mr. Moran.

Carried: Moran - Yes Colesante – Yes Metzger - Yes Mosley - Yes