

TOWN OF CONSTANTIA
MINUTES – SUPERVISOR’S MEETING – April 1, 2019
12:00 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor
Richard Colesante, John Metzger, Thomas Moran, Frank Tomaino – Council Members
Clare Haynes – Town Clerk*
Dustin Clark, David Powers – Barton & Loguidice, PC
Paul Baxter – Tug Hill Commission

CALL TO ORDER:

At 12:00 pm Mr. Mosley called the meeting to order with the pledge of allegiance.

Mr. Metzger stated for the record that there was no clerk present to take the minutes, as a result the meeting is being recorded. Mrs. Haynes will be creating the minutes from the recording. Mr. Metzger asked if anyone had an issue, all agreed to recording the meeting.

SEWER:

Mr. Clark and Mr. Powers were in attendance to review the SEQRA (State Environmental Quality Review Act) Parts 2 & 3 for the proposed Town of Constantia Sewer Project, this SEQRA is for the entire project area (both phases). Mr. Clark stated that 30 days have expired since the letters were sent to all interested parties in regards to the Town of Constantia being lead agency for the sewer project with no negative response from any parties. All 10 pages of the Full Environmental Assessment Form Part 2 were read and reviewed, followed by 14 pages of Part 3 Supporting Information, along with the Part 3 Evaluation of Magnitude and Importance of Project Impacts and Determination of Significance. (A complete copy of the SEQRA is available for review at the Town Clerk’s office during normal business hours.)

Mr. Colesante asked if all of the pipes will be under ground, going under streams like the water districts. Yes, this is a low pressure system so they do not have to be laid to grade, the pipes can travel up and down. These pipes can be hung from bridges but have to be protected from freezing, more of a maintenance concern.

Mr. Moran asked about where the pipes will be laid because of the current water districts, Mr. Clark answered that they will be putting pipes on both sides of the roads. The health department says there should be a 10ft offset, a lot of times on the opposite side of the road. If the pipelines can’t be 10ft apart then there are other provisions that can be done with health department approval. Another concern is a majority of the lines will be down State Route 49 and the State is very sensitive on how close construction gets to the road.

Mr. Colesante asked about the lawsuit that was brought during the West Monroe sewer project by Atlantic States their claim is that there was an impact on the environment that was not in the SECRA review. The review was done but 90 days had not lapsed, it took 2 years to settle. In the end the Judge ruled there was no impact, the result was there was 2 year delay and a lot of attorney fees. Mr. Mosley asked if there were lessons learned from that lawsuit, Mr. Clark responded that at any time a company or individual can file an Article 78 against the Town. The Town just has to do their due diligence that all is being done correctly and to the greatest extent.

After discussion on the reading of the SEQRA and with no changes, **Councilman Colesante** made the following resolution:

Proposed Action: Town of Constantia Sewer Project
RESOLUTION DETERMINING THAT THE PROPOSED TOWN OF CONSTANTIA SEWER PROJECT IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Town of Constantia (Town) is proposing the Town of Constantia Sewer Project (Project), located in the Town of Constantia, Oswego County, New York; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the Town of Constantia Town Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially “Interested Agencies” and “Involved Agencies” (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Town’s desire to serve as the “Lead Agency” (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Town of Constantia Town Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Town of Constantia Town Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT

RESOLVED that, the Town of Constantia Town Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental

concern, and based further upon the Town’s knowledge of the area surrounding the Project, the Town of Constantia Town Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Town of Constantia Town Board, as Lead Agency, hereby directs the Town of Constantia Supervisor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately.

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:

Kenneth Mosley, Town Supervisor	Yes
Richard Colesante, Councilman	Yes
John Metzger, Councilman	Yes
Tom Moran, Councilman	Yes
Frank Tomiano, Councilman	Yes

The foregoing resolution was thereupon declared duly adopted.

With the above resolution approved Supervisor Mosley signed the SEQRA Part 2 and 3.

Mr. Moran made the motion to authorize G&G Municipal Consulting to conduct an income survey for the proposed sewer district in the Town of Constantia for \$12,100 + postage, seconded by Mr. Colesante (approved using professional services portion for the procurement policy).

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

Mr. Clark has spoken to the Village of Cleveland’s attorney, it is her opinion that as long as the Village is not bonding for this project they will not have to hold a referendum.

Mr. Clark has been speaking to Mr. Langley - Costello, Cooney & Fearon PLLC and Mr. Goodfriend – Orrick, Herrington & Sutcliff LLP. Both Mr. Langley and Mr. Goodfriend will be getting together the Order of Public Hearing the resolution that will need to be passed at the April 16th town board meeting. They are not comfortable getting the resolution ready for approval today, they still a few questions that need to be answered, Mr. Clark has a conference call scheduled at 3pm today. One stumbling block is districts are formed when financing has been received, but to apply and get grants you have to have the districts formed. Mr. Colesante stated that the other districts (water) were formed without money in place, Mr. Clark agreed, very rarely does a project get funded before it gets formed. Another issue is the arrangement with the Village, more discussion is needed to get all parties in agreement. Discussion turned to the inter-municipal agreement with the village Mr. Clark would like to get this done this summer. It is not necessary right now, but it needs to get done sooner rather than later.

Mr. Nickerson and Mr. Kane who are part of the “Constantia 12”, have written to the Town in regards to the possible sewer district levy. Their parcels are in the Town but receive sewer service from the Village. The board needs to reply to them on how they will be charged. They currently pay the Village \$502, after this project the Village projected charge will increase by \$167 making the total EDU charge for Village sewer \$669. Other parcels in the proposed Constantia Sewer District EDU charge is \$863. Members of the board believe these parcels that already have the sewer infrastructure in place should pay a lower levy as they have already paid for their infrastructure. They will now be in the Constantia Sewer District so their billing will come from the Town, operation and maintenance (O&M) will be covered by the Town. They have the sub structure already, but the town will still have to get an easement to access the equipment for O&M. Mr. Clark did the analysis, the easiest way is to charge these parcels a .63 EDU which gets them to the same \$669 that the Village would be charging them. Questions that are unanswered is the infrastructure up to standards? If the Town does agree to charge them a lower EDU there has to be an ability to adjust if the infrastructure needs upgrades. This is just the proposed charge, .63 EDU unless significant improvements are needed. Mr. Mosley should reach out to both Mr. Nickerson and Mr. Kane and invite them to a meeting.

*Mrs. Haynes arrived at 1:55 pm.

After looking at the Map, Plan & Report Mr. Moran had a few questions. The Sly property on Martin Rd 312.00-02-14.04 is not in the report, Mr. Powers stated that this parcel was not part of the interest survey, so it was not considered for the district. The pipe is going up Martin Rd to the railroad bed, there are 2 parcel that the main will pass but they will not have access. After discussion it the board requested the parcels on Martin Rd that are in line with the pipeline be included in the district.

Mr. Moran found that 1724 State Route 49 is by the school it is currently listed in the first project, it should be moved to the second project area. Mr. Clark and Mr. Powers will verify the tax map and will make sure it is moved to the correct project.

There is one more parcel that is included but should not be assessed an EDU, this parcel is 312.16-01-11.03. This piece is small and is situated on the border between the Town and the Village. This small piece can not be merged because they are in two different municipalities. It was agreed that this parcel although in the district will not be charged an EDU. Mr. Metzger requested Mrs. Haynes make note of this parcel for the Bernhards Bay Water District meeting for further discussion and possible reduction of the EDU for water.

OTHER DISCUSSION:

Dumpsters days will be held May 3rd to the 5th 7:30 to 5 at the town hall and the highway garage. This year the Town will not be picking up at the roadside all metal and electronic equipment can be brought to either dumpster location. Last year the Town paid \$6,900 for 23 roll off dumpsters, Mr. Moran would like to add a line in the budget for this expense.

Mr. Lyle Robbins from North Shore Ambulance stopped into the meeting to express his concerns on 2 issues as they pertain to EMS. Oswego County has dropped its support for EMS, in the past they have run the program at no cost to the departments or ambulance service. This is going to put pressure on departments as the cost of attending the class is around \$1,000. Mr. Robbins thinks the County is doing the same thing as the State pushing costs down, maybe if the Town could put pressure on the County. The State might have also taken out of the budget the crossover payments that cover a 20% gap, this was a guarantee by New York State a payment of about \$28,000. If this is not in the budget, also another issue that North Shore will have to cover, these items added up could mean an increase for their budget.

Discussion on Aardvark Computer Renew, Mr. Gilman came and did an assessment, for computer protection the cost to the Town would be \$2,137.99, please review quote for possible approval at the April Town Board meeting.

ADJOURN:

At 3:10 pm the meeting adjourned.