

TOWN OF CONSTANTIA
MINUTES - TOWN BOARD – April 16, 2019
7:30 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor
John Metzger, Thomas Moran, Frank Tomaino– Council Members
Clare Haynes – Town Clerk
Wayne Woolridge - Highway Superintendent
Warren Bader – Town Attorney
Erin Zehr – Chair, Park and Recreation Commission

Others Present: Dustin Clark– Barton & Loguidice
Paul Baxter – Tug Hill Commission

Absent: Richard Colesante – Council Member

CALL TO ORDER:

At 7:30 pm Mr. Mosley, Supervisor called the town board meeting to order with the pledge of allegiance.

PUBLIC COMMENT:

Mr. Mosley wanted to recognize two scouts in attendance tonight, Ethan and Logan Frank they are working on their Citizenship in the Community badge.

WATER:

Substantial Completion was issued November 9, 2018. Remaining punch list items will be addressed by Highland Construction. The one-year guarantee period is through November 9, 2019.

SEWER:

- Recent work completed
 - ✓ Constantia/Cleveland Joint workshop meeting – February 5, 2019
 - ✓ SEQR Part 1, intent to be lead agency resolution and lead agency letters – February 19, 2019
 - ✓ Public Informational Meeting – March 5, 2019
 - ✓ Draft Preliminary Engineering Report / Map, Plan and Report provided to Town and Village for review – March 5, 2019
 - ✓ Received proposal from G&G for Income Survey – March 5, 2019
 - ✓ SEQR Parts 2&3, Negative Declaration – April 1, 2019
 - ✓ Authorize G&G to perform Income Survey – April 1, 2019
 - ✓ Discuss WWTP site ownership with Village – April 9, 2019
- Current Status
 - Income survey – planning to be mailed out this week or next (Jay will let Clare know). Return-to-sender will come back to Town. Door-to-door follow-up would be around the middle of May.
 - Attorney/bond counsel review – consult with Village attorney on WWTP site ownership.
- Future steps:
 - Approve PER / MPR and file with Town Clerk
 - Schedule Public Hearing
 - i. Advertise 10 to 20 days prior to Public Hearing
 - Hold Public Hearing
 - Adopt Resolution forming Bernhard’s Bay Sewer District
 - Advertise for permissive referendum
 - i. 30 days from advertisement
 - Adopt final order for District
 - Adopt Bond Resolution – Estoppel period, notices, etc. per bond counsel
- Ongoing
 - Funding Applications: NYSEFC – hardship, CFA – WIIA grant, CFA – WQIP grant
 - Inter-municipal Agreement (May – August)
 - Income Survey (April – June)
 - NYSDEC PER / MPR review and coordination

Originally it was planned to pass the resolution scheduling the public hearing for May 7th, there are still some lingering questions as it pertains to the sewer treatment plant. There is a tentative conference call scheduled for Thursday, April 18th with interested parties to try to get this resolved.

The income survey is due to be mailed early next week, must have a 50% return rate if this does not happen Mr. Grasso will be going door to door.

MINUTES:

Mr. Metzger made the motion to accept the minutes of the March 19th Town Board meeting, seconded by Mr. Moran.

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

VOUCHERS:

Mr. Metzger made the motion to accept the following vouchers as listed on Abstract #4 Dated April 16, 2019:

General Fund	104-139	\$39,475.89
Highway Fund	45-61	\$21,000.58
Bernhards Bay Water District	6	\$ 2,524.75

Seconded by Mr. Tomaino.

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

SUPERVISOR:

Mr. Moran noted that the check to National Grid for \$6,688.54 has still not been cashed, it is lost in the National Grid building. If the check is not found shortly, a check will need to be reissued as the reimbursement check for the lighting will not be sent until our payment is received. Mr. Moran made the motion to approve the Supervisor’s report dated March 31, 2019, seconded by Mr. Tomaino.

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

HIGHWAY:

Mr. Woolridge reported:

- One snow plow is still on a truck, should be coming off soon
- Cold patching
- Leaf pickup starting tomorrow, if you think your property has been missed please give the highway garage a call.
- Getting the stump grinder from the County, will be around removing stumps as needed.
- Almost completed widening Lewis Rd
- The loader sweeper has done most of the roads already when the Village is done with the sweeping machine the Town will do the streets in the hamlet.
- Spoke to LaValley on the fuel island, they will be getting back with more information.
- Mr. Woolridge had a meeting with Mr. Pooley, Oswego County about putting an antenna on the tower on County Route 17. Mr. Pooley does not think there will be a problem with this, he will contact United Radio. More information will be coming.
- Combining dumpster days with metal pickup, saves running around for the highway department and makes the disposal of electronic devices easier. Please remember no closed containers, garbage or tires, Sunday is the biggest problem at the Town Hall because after 5 people just leave stuff on the ground, this is unacceptable, hopefully people will be respectable of the hours.

Mr. Tomaino made the motion to accept the Highway Superintendent’s report, seconded by Mr. Moran.

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

Mr. Moran wanted to thank Mr. Woolridge for installing the new gateway sign on State Route 49. Mr. Mosley thanked Mr. Moran for all his work getting the sign made.

TOWN CLERK – TAX COLLECTOR:

Tax collection is completed, on April 12, 2019 Mrs. Haynes turned over \$689,302.41 to Oswego County which satisfied the warrant. Total taxes collected was \$4,500,659.47.

Mrs. Haynes reported that the total receipts and disbursements for the Town Clerk’s Office for the month of March were \$953.00.

Mr. Moran made the motion to accept the Town Clerk's and Tax Collector’s report as presented, seconded by Mr. Tomaino.

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

ASSESSOR:

No Report

CODE ENFORCEMENT:

Active Violations:

All parties have reached out to my office, I now have open communication with them and understand they must move forward on cleaning up their properties:

- 1060 State Route 49 – Outside Storage
- 1080 State Route 49 – Unsafe Structure
- 297-300 County Route 23 – Unsafe Structure

27 26th Street has had an asbestos survey done, \$17,500 was the figure to remove asbestos, owner and contractor will be looking for another estimate.

Property on County Route 17 has been razed, work still needs to be done, but building is on the ground.

Shacksbush Rd properties, letters sent on their campgrounds:

No response from Mr. Sciacca

Mr. Rosario – has been in contact is currently in Fl will come to the office when he returns.

With spring being here, I am starting to get busy with building permits and answering many calls on potential projects.

As always, please feel free to contact me with any questions.

Mr. Metzger made the motion to accept the Code Enforcement Officer's report as received, seconded by Mr. Moran.

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

JUSTICE:

Mr. Moran made the motion to accept Justice Pelon's and Justice Simpson's report for March, seconded by Mr. Metzger.

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

DOG CONTROL:

Mr. Metzger made the motion to accept the Dog Control Officer's report as received seconded by Mr. Moran.

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

PLANNING BOARD:

Meeting minutes received February 26th and March 26, 2019

A few members of the planning board are working on a local law as it pertains to Wind and Solar Farms in the Town. A model law was received, they will be using this as their guide.

PARK AND RECREATION COMMISSION:

Ms. Zehr was in attendance and updated the board on the new cameras, previously the board requested Ms. Zehr get a quote on remote access camera. Time Warner will do an analysis for an estimate to get internet at the park, which is needed for remote access. Mr. Metzger made the motion to authorize the first step to be done for the estimate for internet at the David C. Webb Memorial Park at Taft Bay, seconded by Mr. Moran.

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

REVITALIZATION COMMITTEE:

-A letter was received about a property that needs to be cleaned up, the letter is not signed, the Town will not react to any complaint that is not signed. The Town has complaint forms that can be filled out.

The revitalization committee was formed by the town board, but still unsure if it is an official committee, Mr. Bader was asked to look into this matter.

Mr. Moran is acting as the liaison for the committee they would like to order 6 pole banners the charge would come out of A6010.4 Publicity. After discussion Mr. Metzger made the motion to purchase 6 pole banners for the approximate cost of \$783.00, seconded by Mr. Moran.

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

Mrs. Haynes will place the order for the banners with delivery to the Town Hall. Mr. Woolridge will need to get a permit to hang the banners, but he happy to take care of it. Mr. Woolridge will need to get together will someone from the committee for banner placement.

The committee is also looking into a planter to be placed by the access road to the basketball court on the Trinity Church property. The board would like more information as to the type of planter and if it will be necessary for a contractor to be hired to put the planter together.

TUG HILL COMMISSION:

Paul Baxter reported:

1. The Tug Hill Commission held its annual Local Government Conference at Jefferson Community College on Thursday, March 28. It was well attended by people throughout the Tug Hill region and beyond. We have reviewed the evaluations and comments, and have started planning for 2020. Thanks to all who participated and contributed to the success of this year's conference.
2. The annual report of the Tug Hill Commission, Headwaters, is now out. They have been distributed via e-mail, U.S. Mail, and at the recent Tug Hill Local Government Conference. Let me know if you still need a copy.
3. The county tourism advisory council met on Tuesday, April 16 at 10:00 a.m. at Tailwater Lodge in Altmar. These meetings are open to the public.
4. SLELO PRISM (the St. Lawrence-Eastern Lake Ontario Partnership for Regional Invasive Species Management) has announced its 2019 Invasive Species Symposium at the Tailwater Lodge in Altmar, New York on Thursday, June 20. There is no charge for the event but pre-registration is required by May 27. I have a copy of the conference flyer for you, and more information about the symposium is available on their web site, www.sleloinvasives.org
5. Oswego County is having a public presentation of their Multi-Jurisdictional Hazard Mitigation Plan update on Wednesday, April 17 from 4:00 to 7:00 p.m. at the county legislative chambers at 46 East Bridge Street in Oswego. There will be presentations about the plan update at 4:30 and 5:30 p.m. The public is welcome to attend.
The draft plan is also posted on the Oswego County Emergency Management Website for review:
www.oswegocounty.com/emo/hazard.html
6. I assisted the town clerk with updates to the town web site.

7. I assisted the town supervisor with problems which were blocking his access to his e-mail.

BOARD INITIATIVES AND COMMENTS:

Mr. Moran read the following from Mr. John Langey as it pertains to the following resolution.

“This resolution will act as a place holder for a more refined set of regulations that will be adopted in the coming months by many municipalities. It is recommended that the town board adopt this resolution at its next meeting to hold its place for potential future rule making. The current resolution simply states your intent, make certain policies regarding the aesthetic impact of the “poles” to be used by the network provided and establishes an FCC approved schedule of fees for administration.” After discussion the following resolutions was adopted.

**TOWN OF CONSTANTIA
TOWN BOARD RESOLUTION
POLICY STATEMENT REGARDING FUTURE TELECOMMUNICATION
TECHNOLOGY REGULATION AND PERMITTING WITHIN THE TOWN
April 16, 2019**

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

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

WHEREAS, the Town of Constantia Office of Highway Superintendent and the Town Board may establish a permitting process for telecommunication installations in the public rights-of-way; and

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Facilities shall be situated in a manner that minimizes proximity and visibility to residential structures, does not impede pedestrian or vehicular traffic, or otherwise create a safety hazard, and shall be no higher than the minimum height necessary;
- (2) Ground-mounted accessory equipment, walls, or landscaping shall be located in consultation with

and the consent of the municipality with respect to snow removal and storage;

- (3) To the extent feasible, accessory equipment shall be placed underground; if equipment must be ground mounted, screening from surrounding views, to the fullest extent possible, through landscaping or decorative features to the satisfaction of the Town, shall be employed;
- (4) Camouflaging techniques, which may include screening and incorporating architectural features, shall be employed to limit visibility from public ways and residential uses while still permitting the facility to perform its designated function;
- (5) Where appropriate, small wireless facilities in the public right-of-way shall be collocated on existing structures, whenever possible;
- (6) Standardized, pre-approved location spacing, antenna and equipment cabinets shall be mandated;
- (7) Facilities shall be painted or shielded with street-design materials; and
- (8) The antenna and supporting electrical and mechanical equipment must be of a neutral color, so as to make the antenna and related equipment as visually unobtrusive as possible; in areas with underground utilities, additional camouflaging techniques may be required, such as decorative utility or light poles; and be it further

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

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

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

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

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

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

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

The foregoing resolution was thereupon declared duly adopted.

DATED: April 16, 2019

Mrs. Haynes brought the following resolution to the board for possible approval. This resolution approves the use of the MU-1 Schedule for records retention. Mrs. Haynes is sure this was approved in the past but would like the MU-1 resolution offered again as the storage room needs to be purged.

COUNCILMAN: Metzger

Introduced the following and moved its adoption:

RESOLVED, By the Town Board of Town of Constantia that *Records Retention and Disposition Schedule MU-1*, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Records Retention and Disposition Schedule MU-1* after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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:

Kenneth Mosley	Voted	Yes
Richard Colesante	Absent	
John Metzger	Voted	Yes
Tom Moran	Voted	Yes
Frank Tomaino	Voted	Yes

-Sewer – letter received from Mr. Kane and Mr. Nicholson, the board would like Mr. Mosley to reach out to these property owners and invite them to the May 7th supervisor’s meeting.

-Village of Cleveland, ownership of the sewer treatment plant is a big issue, it violates the Constitution to bond for monies for other than your Town use. The point is it will be a joint ownership, but the Town does not want to operate.

-Mr. Moran will be getting quotes for generators for both the town hall and the highway department.

ADJOURN:

At 8:40 pm Mr. Mosley made the motion to adjourn, seconded by Mr. Moran.

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