

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

Present: Kenneth Mosley - Supervisor
Richard Colesante, John Metzger, Thomas Moran, Frank Tomaino– Council Members
Rhonda Cottet – Deputy 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: Clare Haynes – Town Clerk

CALL TO ORDER:

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

PUBLIC COMMENT:

None

SEWER:

Mr. Clark explained the need for the resolutions for the funding applications for the sewer project. He indicated the Town should hear by the end of the year if funding is approved. The income survey is almost complete, and it appears the results will benefit the funding. Mr. Colesante questioned how long the income survey will be valid, and Mr. Clark advised him it will be good for 3-5 years.

Joint meeting with the Village is scheduled for July 23, 2019, at 6:30 pm at the Cleveland Village Hall.

RESOLUTIONS:

Mr. Bader read in the first resolution.

At a Regular Meeting of the Town of Constantia Town Board, Oswego County, New York, held at the Town Hall, located at 14 Frederick Street, Constantia, New York on July 16, 2019 at 7:30 p.m.

The meeting was called to order by the Supervisor, and upon roll being called, there were:

PRESENT:	Ken Mosley	Supervisor
	Richard Colesante	Councilor
	John Metzger	Councilor
	Tom Moran	Councilor
	Frank Tomaino	Councilor

**FINAL RESOLUTION AND ORDER OF
THE TOWN OF CONSTANTIA TOWN BOARD
TO APPROVE THE FORMATION OF THE TOWN OF CONSTANTIA SEWER DISTRICT
NO. 1 PURSUANT TO ARTICLE 12-A OF THE TOWN LAW
(To Be Known Generally as “Constantia-Bernhard’s Bay Sewer District”)**

Councilor **Metzger** moved and Councilor **Colesante** seconded the following resolution:

WHEREAS, a Resolution and Order of the Town of Constantia Town Board to Approve the Formation of the Town of Constantia Sewer District No. 1 Pursuant to Article 12-A of the Town Law was duly adopted on June 4, 2019; and

WHEREAS, said Resolution and Order duly determined:

1. That the Public Hearing Order and Resolution was published and posted as required by law, and is otherwise sufficient
2. That all property and property owners within the proposed Sewer District are benefitted thereby;
3. That all property and property owners benefitted are included within the limits of the proposed Sewer District;
4. That it is in the public interest to establish said Sewer District; and

WHEREAS, the Resolution further determined that the establishment of the proposed Improvements, as set forth in said Map, Plan and Report, be approved as set forth below; that the sewer system herein above referred to shall be constructed at a cost not to exceed a total of Thirty Nine Million Fifteen Thousand and 00/100 (\$39,015,000.00) Dollars, which cost will be financed as more particularly described in the financing plan on file with the Town of Constantia Town Clerk and further described in Schedule “B” attached hereto; and that said Improvements shall be designated and known as the “Town of Constantia Sewer District No. 1 (Constantia-Bernhard’s Bay Sewer District)” in the Town of Constantia situated wholly outside of any incorporated village or city, and shall be bounded and described as set forth in Schedule “A” attached hereto and made a part hereof; and

WHEREAS, the Resolution further determined that the estimated cost of the Sewer District to the “typical property” is Seven Hundred Sixty-Six and 00/100 (\$766.00) Dollars; and

WHEREAS, the Resolution further determined that the estimated cost of the Sewer District to the “typical one-family home” is Seven Hundred Sixty-Six and 00/100 (\$766.00) Dollars; and

WHEREAS, the Resolution further determined that the estimated cost of the Sewer District to a “two-family home” is One Thousand Five Hundred Thirty-Two and 00/100 (\$1,532.00) Dollars; and

WHEREAS, the Resolution further determined that there are no estimated hook-up costs because the project was designed as a “turn-key” project; and

WHEREAS, the Resolution further determined that the cost and expenses of operation and maintenance of said Sewer District, shall be a function of charges to the benefitted property owners and shall not be a general charge against the Town; and

WHEREAS, the Resolution was adopted subject to permissive referendum in accordance with Article 12-A of the Town Law; and

WHEREAS, a Notice of Adoption of said Resolution was duly published on June 6, 2019 and posted on June 4, 2019; and

WHEREAS, the thirty (30) day period of time elapsed for the submission and filing of a petition seeking to hold a referendum on the question of the formation of the Town of Constantia Sewer District No. 1; and

WHEREAS, no such petition for a referendum was submitted and filed with the Town Clerk of the Town of Constantia; and

WHEREAS, the Town Clerk has executed an Affidavit of No Referendum as no petitions were filed; and

WHEREAS, the Town Board desires to adopt a Final Resolution and Order establishing the Town of Constantia Sewer District No. 1 in accordance with Article 12-A of the Town Law.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the Town of Constantia Sewer District No. 1 is hereby formed and established as originally approved on June 4, 2019; and be it further

RESOLVED, ORDERED AND DETERMINED that within ten (10) days after the adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Oswego and file with the Office of the State Comptroller copies of this Order, certified by the Town Clerk; and be it further

RESOLVED, ORDERED AND DETERMINED that this Resolution and Order shall take effect immediately.

Schedule A can be reviewed at the Town Clerk’s Office during normal business hours.

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	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Mr. Bader then read in the second resolution.

The following resolution was offered by Mr. **Moran** who moved its adoption, seconded by Mr. **Colesante** to-wit:

BOND RESOLUTION DATED JULY 16, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$39,015,000 SERIAL BONDS OF THE TOWN OF CONSTANTIA, OSWEGO COUNTY, NEW YORK, TO PAY THE COST OF ESTABLISHMENT OF SEWER DISTRICT NO. 1, IN SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, the Town Board of the Town of Constantia, Oswego County, New York, has established Sewer District No. 1 in the Town of Constantia (the “District”); and

WHEREAS, the improvements proposed for the establishment of said District consists of the reconstruction of and construction of improvements to the Wastewater Treatment Plant and construction of a low pressure sewer collection system, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in a map, plan and report on file in the Office of the Town Clerk; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$39,015,000; and

WHEREAS, said capital project has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects; and

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described have been performed; and

WHEREAS, it is now desired to authorize the financing of the improvements for such District; **NOW, THEREFORE, BE IT**

RESOLVED, by the Town Board of the Town of Constantia, Oswego County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the improvements for establishment of Sewer District No. 1 in the Town of Constantia, consisting of reconstruction of and construction of improvements

to the Wastewater Treatment Plant in the Village of Cleveland for Town use and construction of a low pressure sewer collection system, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$39,015,000 serial bonds of the Town of Constantia, Oswego County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$39,015,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof shall consist of the issuance of the \$39,015,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; provided, however, that the amount of bonds to be issued shall be reduced by any State or Federal grants-in-aid received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 40 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Constantia, Oswego County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels of land within said District determined to be especially benefitted thereby, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Constantia, Oswego County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Town Board.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.
Section 14. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted.

COUNTY LEGISLATORS:

Mr. Reehil was unable to attend the meeting due to other another commitment.

MINUTES:

Mr. Moran made the motion to accept the minutes of the June 18th town board meeting and the July 1st supervisor's meeting, seconded by Mr. Tomaino.

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

VOUCHERS:

Mr. Colesante made the motion to accept the following vouchers as listed on Abstract #7 Dated July15, 2019:

General Fund	217-252	\$ 23,060.68
Highway Fund	100-113	\$218,864.55

Seconded by Mr. Metzger.

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

SUPERVISOR:

Mr. Moran noted the report does not show the fund transfer for the paver; however, this will be in the July report.

Mr. Moran also advised the final payment for the lighting changes has been received from National Grid.

Mr. Moran made the motion to approve the Supervisor's report dated June 30, 2019, seconded by Mr. Colesante.

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

HIGHWAY:

Mr. Woolridge reported they have paved Kibbie Lake and Dutcherville Roads, and they will be paving Salt Road next. They also did two driveways on Johnson Road. In addition, they are now caught up on mowing.

Mr. Metzger made the motion to approve the Highway Supervisor's report, seconded by Mr. Tomaino.

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

TOWN CLERK:

Total receipts and disbursements for the Town Clerk's Office for the month of June were \$4,450.15.

Mr. Tomaino made the motion to accept the Town Clerk's report as received, seconded by Mr. Moran.

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

ASSESSOR:

No Report

CODE ENFORCEMENT:

Total receipts for June total \$2,866.15 – balance with Town Clerk.

Active Violations:

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

1060 State Route 49 – Outside Storage – Boats have been removed – in compliance.

1080 State Route 49 – Unsafe Structure – Building has been removed – in compliance

297-300 County Route 23 – Unsafe Structure – no response – will try to make contact again,

27 26th Street – Issued appearance ticket

Issued 18 new permits, 3 Board of Appeals.

As per the Board's request, Mr. Haynes inspected Mr. Duggleby's home septic system. Mr. Haynes informed Mr. Duggleby a letter and new drawings from his engineer would be required as the size of the field increased using the 50 percent expansion area. Mr. Haynes has yet to receive the documentation.

Many of the mobile home parks have renewed their permits, and Mr. Haynes is working the remainder of the parks.

Mr. Haynes attended his first continuing education class on June 20th, and he will need to attend a three day conference in Albany in October.

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

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

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

JUSTICE:

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

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

DOG CONTROL:

Mr. Moran made the motion to accept the dog control officer's report, seconded by Mr. Tomaino.

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

PLANNING BOARD:

May 28, 2019, minutes received.

BOARD OF APPEALS:

No report

PARK AND RECREATION COMMISSION:

Ms. Zehr reported:

- Cameras have been installed and they “are great”
- Upwards of 80 kids are attending the recreation program daily – there are 140+ kids enrolled in the program
- A new basketball hoop has been ordered

Mr. Metzger made the motion to accept the park and recreation report as presented, seconded by Mr. Moran.

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

REVITALIZATION COMMITTEE:

Sue LaVigne is requesting the town put an article in the newspaper about the work the committee is doing. Mr. Mosley suggested Ms. LaVigne should provide a draft for the article to the Town Clerk. Mr. Moran noted Bob McNamara should be credited with the design for the new gateway signs.

TUG HILL COMMISSION:

Paul Baxter reported:

1. **I attended the SLELO PRISM** (the St. Lawrence-Eastern Lake Ontario Partnership for Regional Invasive Species Management) **2019 Invasive Species Symposium** at the Tailwater Lodge in Altmar, New York on **Thursday, June 20**. More information about the organization and the symposium is available on their web site, **www.sleloinvasives.org**
2. **I attended today's meeting of the Oswego County Tourism Advisory Council** at Hastings, at the Fort Brewerton and Oliver Stevens Blockhouse Museum & Historic Park on Tuesday, July 16.
3. The **North Shore and Salmon Rivers Councils of Governments** are moving forward toward getting a **contractor in place later on this summer** in order to provide better meeting coverage during especially busy times such as are typical during the town budget season.

CORRESPONDENCE:

Village of Cleveland – Joint Sewer Meeting Minutes, next meeting July 23, 2019 at 6:30 in the Cleveland Village Hall

PUBLIC COMMENT:

Complaints have been made about 1879 State Route 49; has Mr. Haynes done anything about this property? Mr. Mosley will check with Mr. Haynes. Mr. Mosley did indicate these things take time.

ADJOURN:

At 8:30 pm Mr. Colesante made the motion to adjourn, seconded by Mr. Metzger.

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