

TOWN OF CONSTANTIA  
**MINUTES - TOWN BOARD – September 17, 2019**  
7:30 pm Constantia Town Hall

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

Others Present: David Powers, Marisa Clark – Barton & Loguidice  
Paul Baxter – Tug Hill Commission  
Roy Reehil – County Legislator

**CALL TO ORDER:**

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

**PUBLIC COMMENT:**

None

**WATER:**

Bernhards Bay Water District:

- Substantial Completion was issued November 9, 2018. The one-year guarantee period is through November 9, 2019.
- EFC is looking at converting the loan to long-term financing. Dustin and Nancy are working with EFC on required documents.

**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
  - ✓ Income surveys distributed – April 2019
  - ✓ Approved PER/MPR & Scheduled Public Hearing – May 16, 2019
  - ✓ Bond Resolution passed – July 16, 2019
  - ✓ CFA (WQIP Grant) Funding Application Submitted - July 23, 2019
  - ✓ Income survey – Submitted for Approval - July 2019
  - ✓ PER/MPR, CWSRF & WIIA Funding Applications Submitted – August 26, 2019
  - ✓ Rural Development Environmental Report completed – September 5, 2019
- Current Status:
  - Funding:
    - a)USDA-RD Apply submission following SAM entity registration
- Upcoming meeting dates:
  - Town Board Meeting – September 17
  - Workshop Meeting – October 7
  - Town Board Meeting – October 15
  - Workshop Meeting – November 4
  - Town Board Meeting – November 19
- Future steps:
  - Submit USDA-RD Application (after SAM registration) – October 2, 2019
- Potential 2020 project development items:
  - Sewer Use Law
  - Project aerial imagery
  - Phase 1A Archaeological study
  - Technical revisions to the PER/MPR per DEC and funding agency comments

Mr. Powers updated the board on the progress of the sewer applications. It looks like this district will qualify for hardship funding which is 75% grant and the remainder will be a 35year loan at 2.25% interest with the present numbers.

USDA/RD application will be submitted once the Town's SAM # is received, Ms. Butler and Mr. Mosley are working to complete the steps required.

The question was asked when and how will the Town be notified of the application results, they should notify Mr. Mosley and Mr. Clark.

Mr. Moran asked if there is any projection on how much Barton & Loguidice will be charging the Town, Mr. Powers told Mr. Moran that what is being done right now is still under the scope of services that was signed by the board.

Mr. Colesante asked: what is the likelihood we get the grant but not the loan, Mr. Powers answered that all of the applications are reviewed by different agencies. EFC funding goes by points, last year 40 was the point requirement, this sewer project has a point score of 58. It is important to remember that the district cannot move forward without all of the grants and funding lines approved. If all are not approved, then the district might have to wait another year for financing.

**COUNTY LEGISLATOR:**

Mr. Reehil addressed the question sent to him earlier about a property being auctioned for back taxes on Kibbie Lake Rd, the question was asked if the Land Bank could take this property. The board members are concerned because this property has so many issues that the new owner might purchase sight unseen and then just walk away. If the Land Bank could purchase the property to help with the issues that would be the best for the Town. The other problem is the code violations are not listed in the catalog. Mr. Reehil told the board it is too late in the process to have the Land Bank take over the property. This process starts in March or April, the Land Bank reviews properties, then brings the properties to the Economic Development & Planning Committee along with discussion with the County Treasurer then final approval by the full Legislator.

Mr. Reehil was asked if the Town purchased the property, would the County waive tipping fees, Mr. Reehil does not believe the fees will be waived but they could approve a lower fee, this is decided on a case by case review by the Infrastructure Committee.

Mr. Colesante as how many properties the Land Bank has purchased in the Town of Constantia, the Land Bank has purchased three in the Village of Cleveland, but none in the Town itself.

-Mr. Reehil told Mrs. Zehr that the County was happy about the mini grant that was given to the park and recreation program, plan on asking for more next year.

-Aerial spraying for EEE mosquitoes happened on Monday

Mr. Colesante asked if Mr. Reehil heard about the case that was brought by a Town within New York against their County for not allowing demolition costs onto taxes. Mr. Reehil has not heard of the outcome, Mr. Bader will look for the resolution.

Mr. Moran asked about AIM Funding, \$36,000 will affect the Town budget, answer still unknown if the State will reinstate.

**MINUTES:**

Mr. Moran made the motion to accept the minutes of the August 20th town board meeting and September 3<sup>rd</sup> supervisor meeting, seconded by Mr. Metzger.

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

**VOUCHERS:**

Mr. Metzger made the motion to accept the following vouchers as listed on Abstract #9 Dated September 17, 2019:

General Fund	300-328	\$150,167.26
Highway Fund	139-155	\$102,585.05
Bernhards Bay Water District	12-13	\$ 4,458.04
North Shore Water District	4	\$ 6,714.47

Seconded by Mr. Moran.

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

**SUPERVISOR:**

Mr. Moran offered the following motion:

Referring to budget transfer sheet #1 for August 2019, the following general fund accounts are over budget:

A1330.4 Tax Collector CE	\$ 117.25
A8090.4 Environmental Control (Sewer)	<u>\$ 7,754.36</u>
Total Over Budget:	\$ 7,871.61

I, therefore make the motion to transfer \$7,871.61 from Contingency Account A1990.4 to replenish the aforementioned accounts. This will leave \$79,400.39 balance in the Contingency Account, Seconded by Mr. Colesante.

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

Mr. Moran made the motion to approve the Supervisor's report dated August 31, 2019, seconded by Mr. Colesante.

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

**HIGHWAY:**

Mr. Woolridge reported:

- Starting paving in Cleveland, portion of Martin Rd is done but the paver broke will be fixing this week hope to finish paving in Cleveland next week.
- Currently working on dirt part of Center St, changed culvert worked on the roadside. Will be using road grindings, hope to make it all the way to the turn around this year and put a topper on it next year.
- One truck is hauling sand, should be done by next week.
- Storm cleanup, brush and trees.
- Last mowing pass is being completed, hope to get the long arm out soon to do the guardrails and low hanging branches.
- Received CHIPS money \$141,000.
- Filed for PaveNY reimbursement.
- Once checks from this abstract have cleared, Ms. Butler can send for the Winter Recovery money \$32,000.
- New plow truck is in Syracuse will be going to Watertown to be outfitted with equipment
- New 550 is also being outfitted, this brings up the 450 C-3 which is ready to be sold. Mr. Woolridge has been contacted by the Town of Amboy, they would like to purchase the 450. Mr. Woolridge did put in his budget he expected to sell the truck for \$40,000, this decision is for the town board members to make. Mr. Woolridge is happy to sell to Amboy or he can put on Auction's International. Mr. Woolridge was asked what he expected to get for the truck, always a gamble to put out to auction, sometime you get more, sometimes they go for lower, of course the Town would put a reserve on the auction price. The Town paid \$58,000 for the truck two years ago.

COUNCILMAN: METZGER

Introduced the following and moved its adoption:

**The Town Board for the Town of Constantia in the spirit of shared services will sell one 2017 Ford Diesel Vin # 1FD0W4HT2HEC81331 to the Town of Amboy for \$40,000 (Forty Thousand Dollars). The truck comes with a 9 ½ Ft Western Plow and Dump Box. This vehicle is being sold in "As in Condition with No Warranties"**

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	Voted	Yes
John Metzger	Voted	Yes
Tom Moran	Voted	Yes
Frank Tomaino	Voted	Yes

\*This resolution is contingent on a bill of sale created by Mr. Warren Bader.

Mr. Reehil asked how Mr. Woolridge felt about the Ice and Snow Agreement that the County offered this year. This new agreement is a three year agreement with a reimbursement rate of \$8,000 per mile. The County in the past has give the Town an allotment of both salt and sand, the allotment will be given for the first year, after that the Town will need to purchase their own. Mr. Woolridge thinks it would be better if the agreement was for 2 years, the price of salt could be a hardship because salt prices do vary year to year. Mr. Bader pointed out that the County can get out of the agreement at any time, not so for the Town. The County has the ability to withhold sales tax if they are not happy, the agreement favors the County. Two years is a much better option, especially if the County negotiates the salt prices for two years.

Mr. Metzger made the motion to accept the Highway Superintendent's report, seconded by Mr. Tomaino.

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

**TOWN CLERK:**

Mrs. Haynes reported that the total receipts and disbursements for the Town Clerk's Office for the month of August were \$4,077.25. Mr. Tomaino made the motion to accept the Town Clerk's Report as submitted, seconded by Mr. Moran.

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

**ASSESSOR:**

Mr. Wheeler needs to be reappointed to his six year term, Mr. Colesante made the motion to reappoint Mr. Warren Wheeler as Assessor term to expire September 30, 2025, seconded by Mr. Metzger.

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

**CODE ENFORCEMENT:**

Mr. Haynes was asked to come to the meeting tonight to discuss 3 ongoing issues that the members of the town board has asked him to review.

Tamblin Ridge: This issue was brought up at the September supervisor meeting, at issue is what the planning board approved -vs- what is actually there. When the planning board originally planned this subdivision there was a total of 17 lots, 2 were approved to have full time residents the other 15 were to have U Type Structures as defined in the Uniform Building Code. There are seven developed properties, five of them have buildings that are

not developed as per the original covenant. Mr. Haynes has looked at many of these structures and some of them are built beyond what they have building permits for. The other issue with Tamblin Ridge is the road that is used to access the properties. Christmas and Associates agreed to put in a road that was passable by 2 wheel drive vehicles, this is not the case. More importantly, emergency vehicles will never be able to access the properties. After discussion, the board instructed Mr. Bader to reach out to Christmas and Associates to address the road issues, as they were the originally owners and who applied to the planning board. The board also instructed Mr. Haynes to issue letters dealing with code violations.

Duggleby: Mr. Duggleby is using the barn on his property as a wedding venue, Mr. Duggleby has been to the planning board once to complete a sketch conference, at this conference the planning board gave a list of items Mr. Duggleby will need to complete before coming back to schedule the change of use and site plan review for the property. Mr. Duggleby has not been back to the planning board but he had held events at the venue. Mr. Bader did send Mr. Duggleby multiple letters with no response. After discussion, the board instructed Mr. Haynes to go to the Duggleby property to put a "Do Not Occupy" on the building.

Sciacca/Decarciofolo – The board members want both of these properties to come into compliance either with the trailer park ordinance – or – remove all campers/trailers to come into compliance with the Land Development Law. Mr. Bader will send letters to both these property owners.

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

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

#### **JUSTICE:**

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

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

#### **DOG CONTROL:**

Mr. Tomaino made the motion to accept Dog Control Officer's report for August, seconded by Mr. Moran.

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

#### **PARK AND RECREATION:**

Mrs. Zehr told the board that the tractor show was this past weekend, everything went well attendance was a little down quite possibility due to lack of advertising. Mr. Mosley agrees, he has put a list together of people who are willing to help next year. Mr. Mosley will help get meetings together for the 2020 show.

There is a large balance left over in the payroll account this year, Mrs. Zehr is wondering if some of these funds could be used to purchase a defibrillator for the park. The defibrillator can be brought to the town hall in the winter, the board members think it is a good idea to purchase one for the park.

#### **TUG HILL COMMISSION:**

Paul Baxter reported:

1. The Tug Hill Commission recently arranged for a workshop on the municipal budget process, held in Altmar. Thanks to everyone who attended the workshop.
2. There will be a one-day workshop on Fundamentals of Water and Wastewater Facilities for Municipalities in Altmar at the Tailwater Lodge on Tuesday, October 29. I have a copy of the flyer with registration information should you be interested. Preregistration is required, with a deadline of October 21.
3. Save the date -- the Tug Hill Commission's annual meeting and dinner will be held Thursday, November 7, 2019 at the Tug Hill Vineyards in Lowville. Featured speaker will be Joel LaLone, Research Director for the Center for Community Studies at Jefferson Community College, presenting the findings of the 2019 Tug Hill Residents and Landowners Survey. Watch for more details as we get closer to the event.
4. I met with bookkeeper Nancy Butler this past month to set up the budget template for the 2020 budget. Due to the transition of the bookkeeper's computer to Windows 10, technical issues prevented me from accomplishing that, but the attempt revealed problems with the transition that the town is aware of now so they can work with the consultant to resolve the necessary issues. Thanks, to Councilman John Metzger who worked with Nancy and I to work toward identifying options toward a solution. I remain ready to resume this process once the impediment has been resolved.
5. I have been updating the town web site with information about the planned spraying of Constantia, West Monroe and Hastings for mosquitoes as part of the EEE control effort.

#### **BOARD INITIATIVES AND COMMENT:**

Mr. Moran asked if Mrs. Susan LaVigne has been in to sign the new lease between the Town and Trinity Church, this new lease expands the boundary to include a possible planter. Mrs. Haynes responded, the lease has been signed.

Mr. Bader was shown a letter given to the board to review from the revitalization committee. Their idea is to give this letter to area business hoping they will purchase a banner for the Town. Mr. Bader is not concerned with the wording as the Town cannot solicit for funds. Mr. Bader will confer with his firm as to an acceptable practice.

September 17, 2019

Councilor Colesante introduced proposed Local Law No. I-2019 regarding the permitting and regulation of the construction of solar energy systems in the Town of Constantia and made the following Resolution, which was seconded by Councilor Moran:

**WHEREAS**, proposed Local Law I-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the adoption of said Local Law is a Type I action for purposes of environmental review under SEQRA; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Constantia, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the Town Board has determined that a Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said Full EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED** that the enactment of proposed Local Law No. I-2019 is a Type I action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED AND DETERMINED** that the reasons for the foregoing declaration are as follows:

1. If adopted, proposed Local Law No. I-2019 will permit and regulate the construction of solar energy systems in the Town of Constantia in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.
2. In reviewing and regulating the placement and use of solar energy systems, the Town has recognized that a carefully coordinated special use permit and site plan review will be taken by both the Zoning Board of Appeals and Planning Board respectively.
3. In regulating the placement and use of solar energy systems, the Town proposed regulations are designed to minimize the impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those solar energy systems in the proper circumstances.
4. While it is recognized solar energy systems may be perceived to be aesthetically detrimental to surrounding properties, especially residential neighbors, the proposed regulations provide for aesthetic impacts to be considered in the review process.
5. This local law seeks to accommodate public demand for solar energy systems, while minimizing potential adverse impacts upon neighboring uses.
6. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, landscaping, lighting, utility services, setbacks, visibility and others.
7. Enactment of proposed Local Law No. I-2019 will be more protective of the environment.
8. Proposed Local Law No. I-2019 seeks to minimize aesthetic and other impacts of such uses on their neighbors, and as such, its adoption will have no significant effect on land use, air or water quality, traffic, solid waste production, drainage, animal or vegetation life; will not attract numbers of people to the Town; will not create any conflict with the Town's plans or goals; will not impair the character of any community or neighborhood resource; will not create any health hazard; will not result in any change in energy use; and will not create any demand for other action which would result in the above consequences; and it is further

**RESOLVED AND DETERMINED** that this Board adopts the Negative Declaration incorporated herein and instructs counsel to make the required filing and publication of same; and it is further

**RESOLVED AND DETERMINED** that the Town Board directs the Town Attorney to refer proposed Local Law I-2019 to the Oswego County Planning Board in accordance with General Municipal Law Section 239; and it is further

**RESOLVED AND DETERMINED**, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law I-2019 at the Town Hall located at 14 Frederick Street, Constantia, New York on October 15, 2019 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard, at which time all persons interested in the subject shall be heard.

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

<b>Ken Mosley</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>
<b>Richard Colesante</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John Metzger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Tom Moran</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Frank Tomaino</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing Resolution was thereupon declared duly adopted

**ADJOURN:**

At 9:54 pm Mr. Colesante made the motion to adjourn, seconded by Mr. Tomaino

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