

TOWN OF CONSTANTIA
MINUTES - TOWN BOARD – November 19, 2019
7:30 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor
John Metzger, Thomas Moran, Frank Tomaino – Council Members
Clare Haynes – Town Clerk
Warren Bader – Town Attorney
Roy Reehil – County Legislator
Dustin Clark – Barton & Loguidice

Absent: Richard Colesante – Councilman
Wayne Woolridge – Highway Superintendent

CALL TO ORDER:

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

PUBLIC COMMENT:

Mr. Hubbard – 1196 State Route 49, was in to ask about the winery that borders his property. Mr. Hubbard is concerned that this establishment has turned into a bar. Mr. Hubbard is wondering if they have all the proper permits, Mr. Bader explained with the agriculture exemption thru the State they are given a lot of leeway. Mrs. Haynes agreed, typically when a liquor license is issued the Town is notified, this is not the case with a winery liquor license. Mr. Hubbard is aware they are now serving beer, this is allowed under a winery liquor license. Mr. Hamilton owner of the winery was contacted by Mr. Haynes – CEO, Mr. Hamilton did bring in a copy of their winery license, Mr. Haynes did the research and indeed Mr. Hamilton is working within the regulations of his license. After discussion Mr. Hubbard was encouraged to go to the planning board meeting which was scheduled for November 21st to verify that the winery did notify the planning board of their intentions to have outside music. Board members present are not sure of what happened during the site plan, but the music does end at 9, not sure what can be done, please reach out to the planning board and come back to a town board meeting if you have any additional questions.

WATER:

Bernhards Bay Water District is completed, Mr. Mosley did do a final drive thru with Mr. Zimmer, and no issues were noted. The project did win the APWA Central New York Branch 2019 Environment Project of the Year, a plaque was presented a picture of the project will be presented soon.

SEWER:

Mr. Clark was asked if any grant awards were announced, not as of yet usually mid-December is when awards will be announced. If the whole package is not funded, there will be a year of waiting until the applications can be resubmitted. At the current time B&L is working on the comments from DEC, usually this is a back and forth conversation until all comments are answered satisfactory.

The town board members have created a letter to go to all of the parcels in the new district explaining the new charge on their tax bill. Mrs. Haynes told the board the letters will be ready for mailing early next week.

COUNTY LEGISLATOR:

-Tentative budget for the County is ready, saved \$1.6M on health insurance by partnering with Onondaga County.
-The County is seeing expenses go down with changing the tax sale time frame from 4 year to 2 years. With the shorter time, hopefully property owners will be able to get into a contract earlier with the County for back monies due. Also, with the shorter time frame the County does not have to hold as much within the yearly budget.
-The tax rate right now is at \$7.70 per thousand, this is the same as the last 2 years. Of course the tax bill won't be exactly the same the Town's equalization rate is at 95% that will make a difference in the calculation. Also, need to take into consideration community college, this is a direct charge each Town pays per individual resident that attends a Community College in the State.
-Bail reform is having a big impact on the County, the District Attorney is hiring attorneys to handle the new requirements. The County has also hired another in house attorney for Department of Social Services, having attorneys in house has saved the County money. With the current work load for the Department of Social Services it was necessary to hire another attorney. The discussion with the new bail reform laws is it might be beneficial to also hire in house assigned council also, more news to follow as changes are happening very fast.
-Mr. Mosley told Mr. Reehil that he is very disappointed that the new owners of the property on Kibbie Lake Rd were not told of the problems at the tax sale auction as previously discussed. Mr. Reehil did speak to Mr. Gardner - Oswego County Treasurer he assured Mr. Reehil that the new owners were aware of the issues. Mr. Mosley was told a different story from the new owners, they are slowly cleaning up the property but there are a lot of issues. Mr. Reehil did tell the board that the Town should look at the list of delinquent properties in the spring and make their wishes known to the Land Bank for possible purchase. The Land Bank does look at the properties and ideally picks the properties that will have the most impact on the highest number of properties in the area, the key is to start early.

MINUTES:

Mr. Moran made the motion to accept the minutes of the following meetings:
October 7th Supervisor Meeting
October 10th Budget Workshop

October 15th Public Hearing on Solar
October 15th Town Board Meeting
October 17th, 24th and 31st Budget Workshops
November 4th Supervisor Meeting
November 7th Public Hearing on the 2020 Town Budget
Seconded by Mr. Metzger.

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

VOUCHERS:

Mr. Tomaino made the motion to accept the following vouchers as listed on Abstract #11 Dated November 19, 2019:

General Fund	363-402	\$ 22,202.55
Highway Fund	173-192	\$ 86,887.38
Bernhards Bay Water District	15	\$ 1,788.50

Seconded by Mr. Metzger.

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

BUDGET TRANSFER:

Mr. Moran made the following motion:

Referring to budget transfer sheet #3 for October 2019 the following general fund accounts are over budget:

B8090.4 Envir. Control (Sewer)	<u>\$ 965.00</u>
Total Over Budget	<u>\$ 965.00</u>

I therefore make a motion to transfer \$965.00 from A1990.4 Contingency Account to replenish the aforementioned over budget accounts. This will leave a balance of \$75,885.53 in the contingency account. This concludes my motion. The motion was seconded by Metzger.

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

SUPERVISOR:

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

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

Mr. Moran is speaking with Ms. Butler, Bookkeeper as to the approximately \$7,300 that was received from National Grid for updating the street lighting. This money needs to be credited to the proper accounts.

TOWN CLERK:

Mrs. Haynes reported that the total receipts and disbursements for the Town Clerk's Office for the month of October were \$5,383.70. Mr. Metzger made the motion to accept the Town Clerk's report as presented, seconded by Mr. Moran.

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

CODE ENFORCEMENT:

Total Receipts for August:
\$3,809.70 – Balance with Town Clerk

Issued 23 permits this month

5 planning board – site plan review, one of these is for a ground mounted solar panel

Received phone calls from several land owners from Tamblin Ridge once they received letters, they plan to get together to improve the road.

Campers – I have started to comply the list of campers as per the board's request, currently my total is 17. I will continue to work on this project.

Grace Hill Winery – Received a complaint about their business, reached out to the owner he indicates he is closed by 9pm and has all the proper liquor licenses to be a Farm Winery. Mr. Hamilton brought in a copy of the license for our file.

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

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

JUSTICE:

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

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

PLANNING BOARD:

Mr. Duggleby – will be at the meeting scheduled for November 21st. Mr. Mosley has spoken to all parties as long as Mr. Duggleby brings all required documents the wedding venue should be approved after the required public hearing.

PARK AND RECREATION:

The park roof has been put on hold, will rebid the project in the spring.

Lighting Contest will be held again this year, information to follow.

TUG HILL COMMISSION:

Mr. Baxter reported:

1. I attended the Fundamentals of Water and Wastewater Facilities for Municipalities workshop held in Albion on October 29 at the Tailwater Lodge. Among the presentations was one of the most thorough I have ever seen on the process of a water or sewer project. The PowerPoint presentations from the workshop are available at:
<https://www.tughill.org/2019/08/28/fundamentals-of-water-and-wastewater-facilities/> or navigate to it by going to www.tughill.org and select Assistance > Training, and on the Training page select Workshops.
2. I attended the Tug Hill Commission’s annual meeting and dinner on Thursday, November 7, 2019 at the Tug Hill Vineyards in Lowville. Featured speaker was 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. The entire report is available at <https://www.tughill.org/about/survey-2019/> , or on the Tug Hill web site, select About Us > Tug Hill Resident and Landowner Survey 2019.
3. I have for you an invoice for your membership in the North Shore Council of Governments for calendar year 2019, which includes web site hosting for the town.
4. The town of Constantia has been working with the Tug Hill Commission to update the town’s comprehensive plan, and Tug Hill planner Matt Johnson facilitated a visioning session on Thursday, October 17 at the Constantia town hall to assist in that effort. There was a write-up of the session in the November 9, 2019 issue of the Tug Hill Times.

Mr. Baxter told the board his understanding of the AIM Funding, if the Towns portion of AIM Funding is less than 3% of the total Town budget then it is “not needed” of course the State received push back from the municipalities. The plan going forward AIM Funding will be subtracted off the top of the new internet sales tax before being sent to the County. It was understood that for next year, the program was still going to be funded.

BOARD INITIATIVES AND COMMENTS:

**TOWN OF CONSTANTIA
TOWN BOARD RESOLUTION
November 19, 2019**

Councilor Moran introduced proposed Local Law No. D-2019, A Local Law regarding Power Generating Windmills as On-Site Use Wind Energy Systems in the Town of Constantia and made the following Resolution, which was seconded by Councilor Metzger:

WHEREAS, proposed Local Law D-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 SEQR; 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. D-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. D-2019 will create an Article 17 of the Land Development Law to regulate “Small Wind Energy System” or “On-Site Use Wind Energy System and “Wind Energy Conversion System”. It will permit and regulate the construction of wind 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 wind energy systems, the Town has recognized that a carefully coordinated special use permit and site plan review will be undertaken by the Town.
3. In regulating the placement and use of wind 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 wind energy systems in the proper circumstances.
4. While it is recognized wind 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 notably features, such as color, height, setbacks and lighting.
5. This local law seeks to accommodate public demand for wind energy systems, while minimizing potential adverse impacts upon neighboring uses.
6. Enactment of proposed Local Law No. D-2019 will be more protective of the environment than the proliferation of wind energy systems without regulation.
7. Proposed Local Law No. D-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 D-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 D-2019 at the Town Hall located at 14 Frederick Street, Constantia, New York on December 17, 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:

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

The foregoing Resolution was thereupon declared duly adopted.

2020 TOWN OF CONSTANTIA BUDGET:

Mr. Moran made the motion to approve the 2020 Constantia Town Budget as presented at the public hearing on November 7th, seconded by Mr. Tomaino.

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

ADJOURN:

At 9:47 pm Mr. Moran made the motion to adjourn, seconded by Mr. Tomaino.

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