

TOWN OF CONSTANTIA
MINUTES - TOWN BOARD – March 17, 2020
7:30 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor
Richard Colesante, John Metzger, Thomas Moran – Council Members
Clare Haynes – Town Clerk
Wayne Woolridge - Highway Superintendent

Absent: Frank Tomaino – Council Members
Warren Bader – Town Attorney

CALL TO ORDER:

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

PUBLIC COMMENT:

Ms. Lovell came to the board meeting to talk to the board about an issue she is having with selling her property located at 103 Doris Park Drive. The board is aware of her issue as they have received a resolution that was sent by her attorney Mr. Grasso who forwarded it to the Mr. Langey from Castello, Cooney & Fearon who represent the Town of Constantia. The reason for the resolution is a portion of Ms. Lovell’s home and shed are located in 2nd Avenue which is considered a paper road. Doris Park has many paper roads, these roads have not been accepted by the Town. Paper roads in general are owned by the original creator of the subdivision, not the owners of the adjacent properties. In this case the purchaser of Ms. Lovell’s home is having difficulties getting title insurance which is required by their mortgage lender. After a lengthy discussion the board members are not comfortable signing the resolution as sent to the board, the members present believe there should be some additional language in the resolution. The major issue is right of ways that might be in deeds that the Town is not aware of, this puts the Town in a difficult situation as there are many paper roads and houses in the same situation as Ms. Lovell’s in Doris Park. Ms. Lovell was encouraged to go to Mr. Grasso to change the wording and keep in contact with Mr. Mosley, Town Supervisor with any questions.

BERNHARDS BAY WATER DISTRICT:

EFC is looking at converting the loan to long-term financing. Mr. Clark and Ms. Butler are working with EFC on required documents.

SEWER:

Constantia Sewer Project

- Recent work completed:
 - ✓ PER/MPR, CWSRF & WIIA Funding Applications Submitted – August 26, 2019
 - ✓ USDA-RD Funding Application Submitted – October 11, 2019
 - ✓ WIIA Grant Awarded (\$5,000,000) – December 23, 2019
 - ✓ USDA-RD Environmental Report Revised and Resubmitted – March 9, 2020
- Current Status:
 - Received DEC, EFC, and USDA-RD comments on the PER/MPR. B&L is finalizing response letters and report revisions, as necessary.
 - CWSRF Hardship Application additional documents submitted. Waiting for adjusted MHI Acceptance and Hardship Letter(s).
 - G&G have completed additional door-to-door visits, finalizing MHI data tabulations.
- Future steps:
 - Issue technical revisions to the PER/MPR per DEC, EFC, and USDA RD comments.
 - Complete Sanitary Survey for 2020 WQIP Grant Application submission
 - Update and submit 2020 WQIP Grant Application
 - Submit EFC “Missing Documents” by January 31, 2021 (includes Plan of Finance)
- Project Funding Status:

• WIIA Grant (Awarded)	\$5,000,000
• CWSRF Hardship Loan (Pending)	\$20,000,000
• USDA-RD Grant (Pending)	<i>Amount Unknown</i>
• USDA-RD Loan (Pending)	<i>Amount Unknown</i>
• WQIP Grant (Resubmission Required)	Eligible Up to \$10,000,000
- Potential 2020 project development items:
 - Sewer Use Law
 - Project aerial imagery

MINUTES:

Mr. Moran made the motion to accept the minutes of the February 4th supervisor’s meeting and the February 18th town board meeting, seconded by Mr. Colesante.

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

VOUCHERS:

Mr. Metzger made the motion to accept the following vouchers as listed on Abstract #3 Dated March 17, 2020:

General Fund	76-109	\$469,740.75
Highway Fund	39-52	\$ 19,107.64
Bernhards Bay Water District	2-3	\$ 4,052.54

North Shore Water District	3	\$ 6,641.48
Sewer	2-3	\$ 1,065.00

Seconded by Mr. Colesante.

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

SUPERVISOR:

Mr. Moran made the motion to approve the Supervisor’s report dated February 29, 2020, seconded by Mr. Colesante.

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

DEPARTMENT REPORTS:

Mr. Mosley brought the idea of just accepting all reports as received as Mrs. Haynes emails the reports before the meeting which gives members time for review. Mr. Colesante would like face to face with Mr. Haynes CEO, but that can happen at the Supervisor’s Meeting. Mr. Metzger thinks it would take away the chance to discuss each report at the time of approval. At this time, Mr. Moran is agreeable to accept the reports as received from, Code Enforcement, Justice Pelon and Justice Simpson, Town Clerk, Tax Collector and Dog Control, seconded by Mr. Colesante.

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

HIGHWAY:

Mr. Woolridge hired Mr. Zacharia Avery as a new highway employee. Mr. Avery has all the qualification of an MEO along with many other qualifications. The employee manual has a statement that new employees need to wait 1 year before they are eligible for health insurance. Mr. Woolridge is requesting this rule be waived for Mr. Avery. Mr. Colesante made the motion to waive the one year wait period for health insurance, seconded by Mr. Metzger. Mr. Avery will start employment with the Town as of April 1, 2020.

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

The highway employees have been stripping the new truck, it is the wrong color - an error when it was ordered. It will be sent to be repainted on April 22nd, the cost of the paint job will be split between the Town and Tracey Road Equipment.

The board spoke about dumpster days, Mr. Mosley has received a call from another container company questioning if the Town is going out to bid for this year. Mr. Woolridge believes using 2 companies will be beneficial, using one company last year caused a problem as they did not have enough containers to handle the amount that was brought to both locations. Mr. Mosley and Mr. Woolridge will get together to discuss putting this event out to bid.

If residents would like leaf pickup they need to contact the highway department directly.

Mr. Metzger made the motion to accept the highway superintendents report, seconded by Mr. Colesante.

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

PLANNING BOARD:

Minutes received for January 28th and February 25th

PARK AND RECREATION:

Opening of bids received for replacement of park bathhouse roof:

-Honey Do Repair/Projects	\$18,500.00
-Unlimited Construction	\$12,000.00
-E. S. Stone Contracting	\$12,300.00
-Kenny Halsdorf Con’st LLC	\$12,250.00* Received after bid deadline cannot be accepted.

Unlimited Construction was the lowest bid but there were prepayment terms on his bid that the Town usually does not accept. After some discussion it was decided to table awarding the bid until the April 6th supervisor’s meeting.

BOARD INITIATIVES AND COMMENT:

- NYS Town of Constantia Resolution

TITLE: Requesting the Withdrawal of the State Budget’s Energy Siting Amendment

COUNCILMAN: MORAN

Introduced the following and moved its adoption:

WHEREAS: NYS is a Home Rule State, which basically means that any and all powers of the State emanate from the people.

WHEREAS: Per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community.

WHEREAS: On Feb 21, 2020, Governor Cuomo proposed a Budget Amendment "to dramatically speed up the permitting and construction of renewable energy projects."

WHEREAS: This amendment could be passed with the Budget by April 1st, replacing the current Article 10 process with a radically new method for siting renewable energy projects.

WHEREAS: The stated purpose of this proposed far-reaching change is to enhance the execution of the *Climate Leadership and Community Protection Act (CLCPA)*.

- WHEREAS:** Although the objectives of the CLCPA sound admirable, there is no empirical scientific proof that industrial wind energy (compared to Nuclear, Hydro or Gas) saves any consequential amount of Carbon Dioxide (CO2).
- WHEREAS:** Conversely, there is considerable scientific evidence that onshore industrial wind energy projects will likely be a *net economic liability* to NYS host communities. This will be particularly burdensome to social justice communities.
- WHEREAS:** There is extensive scientific evidence that onshore industrial wind energy projects will likely result in adverse health effects to some citizens of NYS host communities.
- WHEREAS:** There is substantial scientific evidence that industrial wind energy projects will likely cause extensive eco-system damage to onshore NYS host communities, or to marine locales where offshore wind projects are sited.
- WHEREAS:** This amendment will effectively remove any meaningful input from citizens, towns, counties, local environmental groups, and community businesses regarding the siting and regulation of renewable energy projects.
- WHEREAS:** The new process is structured such that scientific data, or testimony from qualified experts, will have little bearing regarding siting regulations and approval.
- WHEREAS:** Once an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is complete. If the ORES decision is **not** made in that time, the application is *automatically* deemed complete!
- WHEREAS:** Once an application is determined to be complete, ORES has 12 months to approve the project. If the ORES decision is **not** made in that time, the application is *automatically* approved! There is no provision for extending this time limit.
- WHEREAS:** The Governor's proposal also seems to indicate that the State might get into the ownership and/or operation of renewable energy generation. Such a profound change would also severely limit the ability of local communities to regulate such industrial projects.
- WHEREAS:** All of these proposed changes are not only in conflict with our Home Rule rights, but are also contrary to our obligation to protect the health, safety and welfare of our constituents.
- RESOLVED:** The Town of Constantia formally requests that this Budget Amendment be withdrawn before the Budget is voted on. Additionally we petition the State to respect our Home Rules rights, and to defend our authority to regulate renewable energy projects as the citizens of our community see fit.

Seconded by Councilman: COLESANTE

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	Absent

-Mr. Baxter, Tug Hill Commission – report received

-Mr. Metzger and Mr. Moran completed the 2019 audit for Tax Collector and Town Clerk, there were no issues to report in the audit. Mr. Colesante made the motion to accept both the Tax Collector and Town Clerk audit for 2019, seconded by Mr. Mosely

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

Mr. Metzger offered the following motion:

Due to the potential danger to the health, safety and welfare of the general public in the Town of Constantia as a result of the COVID-19 virus outbreak, it is prudent to establish the following restrictions:

Effective immediately, the Town of Constantia Town Hall shall be closed to the public. All departments will be available via phone and appointments until further notice.

All payments can either be mailed via USPS or use the court drop box located on the outside of the Town Hall, 14 Frederick St.

Seconded by Mr. Colesante.

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

ADJOURN:

At 9:15 pm Mr. Colesante made the motion to adjourn, seconded by Mr. Moran.

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