

TOWN OF CONSTANTIA
MINUTES – Town Board Meeting – September 15, 2020
7:30 pm Town of Constantia – Constantia Town Hall

Present: Kenneth Mosley - Supervisor
Richard Colesante, John Metzger, Frank Tomaino, Thomas Moran – Council Members
Clare Haynes – Town Clerk
Warren Bader – Town Attorney
Wayne Woolridge – Highway Superintendent
Edward J. Whitney – Deputy Highway Superintendent

Others Present: Erin Zehr – Commissioner, Park and Recreation
Paul Baxter – Tug Hill Commission

CALL TO ORDER:

At 7:30 pm Mr. Mosley called the town board meeting to order. As per recommended procedures during COVID-19 the town board and residents were seated 6ft apart.

RECOGNITION:

Mr. Lester Schaad has recently retired from the Town of Constantia Highway Department, the town board presented Mr. Schaad with a plaque for his 18 years of service and dedication to the Town. The town board wishes Mr. Schaad the best in his retirement.

PUBLIC COMMENT:

Mr. Schwartz wanted to thank Mr. Woolridge for the additional signage on Doris Park Drive. Recently a number of children have moved into the area, with this in mind is it possible for Children at Play signs. Mr. Woolridge answered no, it is a liability to the Town. The Town's insurance carrier has requested all Children at Play signs be removed.

Mr. Dan Lewis from Gale Rd asked about removing trees from the side of Gale Rd around his driveway. It is difficult to see when exiting, Mr. Whitney asked him to mark the trees. Mr. Lewis said they had ribbons on them, Mr. Woolridge knows the trees he did not realize the ribbons indicated removal.

PARK AND RECREATION:

Mrs. Zehr was in attendance to let the board know that the painter will be starting at the park next week. Mrs. Zehr thanked Mr. Moran for the information needed for a grant that Mrs. Zehr is working on for the playground at the park.

SEWER:

Nothing new to report.

MINUTES:

Mr. Moran made the motion to accept the minutes of August 11th special meeting, August 18th town board and August 25th joint water meeting, seconded by Mr. Colesante.

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 15, 2020:

General Fund	251-284	\$151,931.31
Highway Fund	165-183	\$ 24,024.29
Sewer	11-12	\$ 3,659.10
Bernhards Bay Water	7	\$ 3,104.54
North Shore Water	4	\$ 6,714.47

Seconded by Mr. Moran.

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

SUPERVISOR:

Mr. Moran made the motion to approve the Supervisor's report dated August 31, 2020, seconded by Mr. Tomaino.

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

HIGHWAY:

Mr. Woolridge reported:

- Getting the trucks ready for winter
- Ditching
- Tree work
- Winter sand has been put up, will pay for it next month

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

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

APPROVAL OF DEPARTMENT REPORTS:

Mr. Moran made the motion to accept the following reports as received for August, seconded by Mr. Metzger.

- a. Code Enforcement received \$1,574.60
- b. Justice Pelon and Justice Simpson
- c. Town Clerk received \$4,993.60
- d. Dog Control

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

TUG HILL COMMISSION:

Mr. Baxter reported:

- The Tug Hill Commission offices are still operating at a 50% occupancy level , with a schedule with Watertown-based staff where at any given time, half of the staff is in the Watertown office is in the office, and the rest are still working from home. Tug Hill staff are available for meetings with your municipality.
- The Governor’s executive order allowing remote meetings and public hearings (via means such as Zoom) has been extended until October 4. If you have any upcoming meetings where that may be a help to you. I can facilitate a Zoom meeting with a little advance notice.
- We are in that time of year when towns are getting under way with work on the town budget for next year. In the past, I have been able to provide you with a comparison between Oswego County municipalities for the current fiscal year; I hope to be able to do so in the near future for 2020, if access to the records is possible under current county operating rules.
- I assisted the bookkeeper with setting up the budget template for the 2021 town budget.
- I attended last month’s county tourism advisory council (TAC) meeting in August, and as anticipated the TAC is postponing its September meeting and is planning on meeting next in October.
- In support of your planning board and ZBA getting their annual training hours requirements, the Tug Hill Commission has several training sessions being offered via Zoom. Go to the Tug Hill web site. www.tughill.org, go to the Training menu, and select Fall 2020. On the other side of this page is the content from the web site on our upcoming opportunities. There will be limited in-person attendance opportunities as well, but the sessions are being conducted some distance from here.

CORRESPONDENCE:

-Minutes received from Board of Appeals dated 8/26/2020

RESOLUTION – LOCAL LAW 1-2020:

**TOWN OF CONSTANTIA
TOWN BOARD RESOLUTION
September 15, 2020**

**TOWN OF CONSTANTIA LOCAL LAW B OF 2020
 (“A Local Law to Amend Article 10 of the Town of Constantia Land
Development Law to Establish Recreational Camping Vehicles Regulations”)**

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2020, a local law to amend Article 10 of the Land Development Law of the Town of Constantia to regulate recreational camping vehicles in the Town of Constantia was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on August 18, 2020; and

WHEREAS, a public hearing was held on such proposed local law on September 15, 2020, by the Town Board of the Town of Constantia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Constantia in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on August 18, 2020 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. B-2020 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, proposed Local Law No. B-2020 was duly referred to the Oswego County Department of Community Development pursuant to General Municipal Law Section 239-L and M; and

WHEREAS, upon its review of proposed Local Law No. B-2020, the Oswego County Department of Community Development determined that no significant inter-community or county-wide impacts are anticipated from enactment of said Local Law; and

WHEREAS, the Town Board of the Town of Constantia is the only entity authorized to enact local legislation and particularly laws regulating various uses in the Town of Constantia; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2020.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact Proposed Local Law No. B-2020 as Local Law No. 2-2020 as follows:

**“TOWN OF CONSTANTIA
LOCAL LAW NO. 1-2020**

**A LOCAL LAW TO AMEND ARTICLE 10 OF THE TOWN
OF CONSTANTIA LAND DEVELOPMENT LAW TO
ESTABLISH RECREATIONAL CAMPING VEHICLES REGULATIONS**

Be it enacted by the Town Board of the Town of Constantia as follows:

SECTION 1. LEGISLATIVE PURPOSE AND INTENT

The purpose of this Local Law is to provide for regulations relative to Recreational Camping Vehicles outside Recreational Camping Vehicle Parks in a manner that preserves the health, safety and welfare of Town residents.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. NEW SECTION 1010.1 OF THE TOWN OF CONSTANTIA LAND DEVELOPMENT LAW

The Town of Constantia Development Law is hereby amended to add a new Section 1010.1 as follows:

“Section 1010.1 Recreational Camping Vehicles outside a Recreational Camping Vehicle Park

Recreational Camping Vehicles, (See Article 2 – Definitions - Page 2), are seasonal and not designed for year-round living, therefore year-round occupation of such camping vehicle is prohibited. Recreational camping vehicles which are sited outside of a recreational camping vehicle park shall comply with the following:

1. Purpose

This law has been enacted for the purpose of promoting the health, safety and general welfare of the inhabitants of the Town of Constantia through the efficient regulation of recreational camping vehicles (“RVs”) and to provide minimum standards and procedures for their placement, water supply, sewage disposal, and use.

2. Standards

- RVs must be registered/licensed
- Occupied RV’s must be permitted annually by the Town of Constantia
- Conforming building lot sizes required, including set back requirements for occupied RV’s
- Temporary, occupied, site placement of an RV is 2 weeks
- Conditional, occupied, site placement exceeding 2 weeks, not to exceed 120 days, **approved sewage disposal systems will be required**
- Exemptions for special events
- Storage allowed for 1 RV at a permanent residence
- No storage allowed on vacant land
- Storage of more than one RV is allowed inside permitted storage facilities
- Storage Facility permits will not be issued for residential properties
- No RV shall be used as an addition to a residential or commercial building
- No RV shall be used for the purpose of housing animals (domestic, wild/or farm)
- Wood stoves shall not be permitted in any RV
- No structural modifications or additions may be made to an individual RV sited on private land outside of a recreational camping vehicle park or campground

3. Procedures

- a. Such siting and occupancy of a RV on private land outside of a campground shall be subject to a permit, issued by code enforcement officer, subject to annual renewal, which term shall run from January 1 to December 31.
- b. The applicant shall provide a completed application form and permit fee to the code enforcement officer. The completed application form shall include a proposed site plan, drawn to scale and indicating all dimensions, and shall show the dimensions of the lot; the location of all existing buildings; and all-natural water courses, ponds, wetlands and floodplains. The application shall indicate the proposed date of siting and removal of the RV. The applicant shall provide information regarding proposed plans for access to potable water and sanitary sewage disposal. **Sewage disposal systems are subject to approvals by the Oswego County Health Department.**
- c. Prior to any site preparation, the code enforcement officer shall conduct an on-site inspection. To assist the code enforcement officer, the applicant may be required to locate stakes on the site in conformity with information shown on the site plan.
- d. The cost of any site inspections, tests or professional consulting needed to comply with this section shall be paid by the applicant. Upon a determination by the code enforcement officer that the proposal has met all the requirements of this law, the code enforcement officer shall, within seven days, issue the permit. The permit shall be prominently displayed on the RV such that it may be seen from the exterior of the vehicle.
- e. If it is determined by the code enforcement officer that a RV has not been sited in accordance with the site plan as shown in the application, or that any of the conditions of the application have been violated, the issued permit shall be revoked until such time that the site is corrected to the satisfaction of the code enforcement officer. Upon the revocation of a RV

permit, the occupancy of the RV shall be immediately terminated, and the RV shall be removed from the premises.

- f. Any RV on private land which is not in compliance as of the date of adoption of this law or subsequent amendments shall have until December 31, 2020 to come into compliance.

4. Exemption/Waiver

- Special events will be exempt from the Recreational Camping Vehicle law, but not from the New York State Sanitary Code and may still require additional permits from the Oswego County Health Department. This involves events that are held for a short period of time, 1 to 2 days, but not to exceed 7 days on residential properties and/or properties with buildings. A special event could be a Ceremonial Gathering (i.e. Weddings, Church Event, Family Reunions); Sports Event (i.e. Race, Fishing Derby' s, Bike/Car Rallies); Culture Events (i.e. Concerts). Special Events that have 3 or more RVs on the premises, the property owner must provide a suitable sanitary facility. The property owner shall not charge fees for placing RVs on the property; otherwise they will have to abide by current laws and regulations for operating an approved campground. RVs remaining on the premises beyond 7 days will be subject to a fine of not less than \$100.00. To obtain this Exemption/Waiver, a Special Event permit must be filed with the Constantia Code Enforcement Officer not less than 7 days prior to the event. Failure to file for a permit will result in a fine of not less than \$100.00.
- Separate permitting may be issued for the use of an RV by licensed hunters during the hunting season which is typically September through December.”
- Licensed commercial businesses dealing with RV's in the course of business are exempt from this section, (inspection, repair, sales, service, and repossession business) are examples.
- RV Storage facilities are exempted from this section but must be permitted by the Town of Constantia.

SECTION 4. REPEAL SECTIONS 11, 12 AND 13 OF ARTICLE 1010.

Sections 11, 12 and 13 of Article 1010 are hereby repealed as being inconsistent with the new Section 1010.1 amendment to Article 10 of the Town of Constantia Land Development Law to Establish Recreational Camping Vehicles Regulations.

SECTION 5. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

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

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

The foregoing resolution was thereupon declared duly adopted.

DATED: September 15, 2020

BOARD INITIATIVES AND COMMENT:

-Email from OCWA on the property located on State Route 49 in Bernhards Bay, Mr. Mosley would like to know what the board members would like to do about it. Originally there were 3 parcel that were all owned by the same individual, the owner of all parcels put in a curb stop to supply water to the third parcel. The owners were told to merge all parcel to be able to do this, they did not. The owners have sold the parcel that is in the water district. The Town will not get involved, OCWA will need to settle this with the property owner.

-Mr. Moran would like to have a meeting to discuss the closing of the loan on the Bernhards Bay Water District. With the amortization schedule, it is important to make sure there is an equalization of payment. The board members agreed to discuss this topic at the supervisor's meeting on October 5th at 9am.

-Budget Workshops – Every Thursday in October at 4 pm.
- October 1st, October 8th, October 15th, October 22nd and October 29th.

-Discussion on wording change for the water extension survey, Mr. Moran would like to include that each property owner will need to pay the cost to hook up to the water. This will be an additional cost to the property owner, board members agreed with adding the additional language.

ADJOURN:

At 8:15 pm Mr. Colesante made the motion to adjourn, seconded by Mr. Moran.

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