

TOWN OF CONSTANTIA  
**MINUTES –TOWN BOARD – September 21, 2021**  
7:30 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor  
Richard Colesante, Thomas Moran, Frank Tomaino – Council Members  
Clare Haynes – Town Clerk  
Warren Bader - Town Attorney  
Erin Zehr – Park and Recreation Chair  
Paul Baxter – Tug Hill Commission

Absent: John Metzger – Council Member  
Wayne Woolridge – Highway Superintendent

**CALL TO ORDER:**

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

**PUBLIC COMMENT:**

Mr. Visconti was in to request a street light on the corner of Doris Park Drive and 26<sup>th</sup> Street. Mr. Moran explained that currently Doris Park is within the 1<sup>st</sup> lighting district, the Town is in the process of dissolving both lighting districts in the Town. Once the districts are dissolved, the Town will have a procedure on how to add additional lights. Until this occurs, Mr. Mosley requested Mr. Visconti petition his neighbors to verify they all are interested in a light. Once that is received, the Town can reach out to National Grid for pricing and possible installation.

Mr. Schwartz – asked about the property at 66 Doris Park Drive. This property had a house that burned down, the burned out remains are still there. Mr. Mosley has spoken to the owner, she is in the process of selling. Mr. Mosley will reach out again to get an update.

**SEWER:**

**Constantia Sewer Project**

- Recent Work Completed
  - ✓ EFC has approved extension request and has formally extended WIIA and Hardship funding (Totaling \$25M) to December 31, 2021.
  - ✓ WQIP and CDBG Grant Applications were submitted in July for funding.
  - ✓ B&L and Fiscal Advisors prepared and submitted required documentation to EFC on September 16, 2021.
- Current Status:
  - B&L are engaging survey, archaeological, and soil boring subcontractors to order respective services for the project area.
  - Announcement of grant awards through CFA program pending. Expected in November/December 2021.
  - County ARP money for the project is not available until all other potential grant opportunities have been exhausted.
- Future steps:
  - Subcontractors to continue survey work and soil borings through fall 2021.
  - Begin design of WWTP improvements and collection system fall 2021.
  - Discuss possible sewer pump station locations with Town board.
  - Close financing with EFC by end of the year.

**WATER:**

**New Water Extension Area**

- Recent Work Completed
  1. B&L prepared Engineering services agreement for PER services.
- Current Status:
  - B&L evaluating potential project areas based on current funding programs and need.
- Future steps:
  - Discuss potential project area with Town after cost benefit analysis.
  - Prepare PER for listing on DWSRF IUP in 2022.

**PARK AND RECREATION:**

Mr. Zehr asked if she could hold off turning in the budget worksheet for the park as the Commission is waiting to see what is going to happen with minimum wage. They had a few issues last year, some of park employees would call in as they could earn more at their other jobs. Unfortunately, Ms. Butler, Bookkeeper will need the information to complete the 2022 Tentative Budget, changes can be made at budget meetings.

-Contacted Mr. Forman about the floor that was done in the spring, it is peeling, so it will need to be repaired.

-Working on a grant for a handicap swing

-Contacted by a resident that wants to hold Zumba Classes, just to verify do they need their own insurance – Yes

**MINUTES:**

Mr. Colesante made the motion to accept the minutes of the August 17<sup>th</sup> town board meeting, August 30<sup>th</sup> supervisor meeting and the August 31<sup>st</sup> joint water board meeting, seconded by Mr. Tomaino.

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

**VOUCHERS:**

Mr. Moran made the motion to accept the following vouchers as listed on Abstract #9 Dated September 21, 2021:

General	292-322	\$159,666.27
Highway	163-181	\$ 68,001.23
Bernhards Bay	8-9	\$ 15,603.76
North Shore Water	4	\$ 6,848.56

Seconded by Mr. Colesante.

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

**SUPERVISOR:**

Mr. Moran made the motion to approve the Supervisor’s report dated August 31, 2021, seconded by Mr. Tomaino.

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

**APPROVAL OF DEPARTMENT REPORTS:**

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

- a. Code Enforcement - \$2,173.75
- b. Justice Pelon and Justice Simpson
- c. Town Clerk - \$5,637.75

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

Mr. Tomaino would like it noted that no dog control officer report was received again this month.

**TUG HILL COMMISSION:**

Mr. Baxter submitted the following report:

- As you’ve probably heard, the Governor signed legislation which re-establishes a municipality’s ability during much of the pandemic to conduct municipal meetings via Zoom. Unlike the previous establishment of the ability, pursuant to executive orders which were renewed periodically, this is now established by state law, and runs through January 15, 2022.
- There’s been no change in the status of the Tug Hill Local Government Conference 2022. We’re still investigating options, based on your feedback from the survey about the conference.
- The Tug Hill Commission will have its annual dinner on Thursday, October 14, 2021, starting at 5:30 p.m. at Tailwater Lodge in Altmar. Cost is \$45 per person with a cash bar, and preregistration is required. I have extra copies of the invitation for anyone who might be interested in attending.
- The Tug Hill Commission will be having workshops soon featuring Laird Petrie on the town budget process. The town of Albion is hosting one of them, at the Albion Municipal Building on Tuesday, September 28, at 6:30 p.m. Preregistration is requested, and I have copies of the workshop flyers for you.
- And speaking of budgets – the Tug Hill Commission has a new plain-language guide to the town budget process. I have a copy for you, and more copies are available via the Tug Hill web site, under Resources : Technical and Issue Papers  
<https://tughill.org/wp-content/uploads/2021/08/Town-Budget-Process-Overview-August-2021.pdf>
- I assisted the town bookkeeper in setting up the budget blank from which she can fill in numbers based on information received via 2022 budget request forms.
- I assisted the town clerk with updating the town web site with the updated version of the town’s Land Development local law, and also added a new Sewer tab for easy access.

**BOARD INITIATIVES AND COMMENTS:**

-Items to be discussed at the supervisor/budget workshop on October 5<sup>th</sup>:

- First Amendment To ‘Agreement of Municipal Cooperation for Construction, Financing, Operation, and Maintenance of an Inter-Municipal Water System for the North Shore Water System’ Mr. Mosley will reach out to Ms. Lathan from Fiscal Advisor for her response.
- Response from Ms. Kim – Charter Communications

Solomon’s who own Bisbo’s Trailer Park on County Route 23 has recently started the process to hook up to public water. During the process it was noted that during construction of the water main both the trailer park and the Solomon’s residence received 3/4” curb stop. The trailer park requires a 2” curb stop, it is unknown why the proper size was not installed. The Town inquired as to the size of curb stops at the other larger parks, they both received a 2” curb stop. After discussion Mr. Tomaino made the motion to authorize the North Shore Water District to pay \$2,810.00 for the curb stop installation, seconded by Mr. Colesante.

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

**TOWN OF CONSTANTIA  
TOWN BOARD RESOLUTION  
September 21, 2021**

**TOWN OF CONSTANTIA LOCAL LAW B OF 2021**

(“A Local Law Pursuant To Cannabis Law § 131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Consumption Establishments Within the Town of Constantia”)

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2021, a local law to opt out of licensing and establishing retail cannabis dispensaries and on-site consumption establishments within the Town of Constantia was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on August 17, 2021; and

**WHEREAS**, a public hearing was held on such proposed local law on September 21, 2021, 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 17, 2021, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. B-2021 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**, the enactment of proposed Local Law B-2021 was subject to a permissive referendum pursuant to Municipal Home Rule Law § 24 as set forth in Cannabis Law § 131; and

**WHEREAS**, it is the determination of this Board that it is in the public interest of the residents of the Town of Constantia to enact said proposed Local Law B-2021.

**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-2021 as Local Law No. 2-2021 as follows:

**“TOWN OF CONSTANTIA  
LOCAL LAW NO. 2 OF 2021  
A LOCAL LAW PURSUANT TO CANNABIS LAW § 131 OPTING OUT OF LICENSING AND  
ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CONSUMPTION  
ESTABLISHMENTS WITHIN THE TOWN OF CONSTANTIA**

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

**SECTION 1. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and Cannabis Law § 131.

**SECTION 2. INTENT.**

It is the intent of the Town Board of the Town of Constantia to opt the Town out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

**SECTION 3. LOCAL CANNABIS RETAIL DISPENSARY AND ON-SITE CONSUMPTION OUT-OUT.**

The Town Board of the Town of Constantia, County of Oswego, hereby opts-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments from locating and operating within the boundaries of the Town of Constantia.

**SECTION 4. VALIDITY & SEVERABILITY.**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5. EFFECTIVE DATE.**

This local law shall take effect immediately upon filing with the New York State Department of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.”

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

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

The foregoing resolution was thereupon declared duly adopted.

**DATED: September 21, 2021**

**ADJOURN:**

At 8:19 pm Mr. Tomaino made the motion to adjourn, seconded by Mr. Colesante.

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