

TOWN OF CONSTANTIA  
**MINUTES –TOWN BOARD – November 16, 2021**  
7:30 pm Constantia Town Hall

Present: Richard Colesante, John Metzger, Thomas Moran, Frank Tomaino – Council Members  
Clare Haynes – Town Clerk  
Warren Bader - Town Attorney  
Ronald Chapman Jr. – Council Member, Elect  
Roy Reehil – County Legislator  
Erin Zehr – Park and Recreation Chair  
Paul Baxter – Tug Hill Commission  
Dustin Clark – Barton & Loguidice

Absent: Kenneth Mosley - Supervisor  
Wayne Woolridge – Highway Superintendent

**CALL TO ORDER:**

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

**PUBLIC COMMENT:**

Mr. Schwarz, 5 32<sup>nd</sup> St asked about the drain that was installed at the bottom of the hill on Doris Park Drive, the drain is not working there is a large backup of water. Mr. Schwarz did reach out to Mr. Woolridge Highway Superintendent, Mr. Woolridge indicated that he cannot go on private property to remove the debris that is blocking the drain. Mr. Woolridge is not in attendance, Mr. Tomaino will reach out to Mr. Woolridge to get his opinion on what can be done.

**SEWER:**

Mr. Clark and Mr. Bader are getting an easement format created along with other documents that will be sent with a letter to all sewer parcels. A sample package will be sent to the board before they go out to residents. Mr. Colesante asked what is going on in Town as it relates to sewers. Mr. Clark stated that some surveying and environmental information is being gathered. The good news is the Town already did soil borings with the water projects. Shovel tests will still need to be done at every grinder pump location, hopefully this will start in the spring.

No word on the grants submitted, they should be announced at any time. Typically awards are done in November.

Mr. Avery asked if the property owner does not want to hook up to sewers at the time construction passes their property will a curb stop be set, Mr. Clark answered yes.

At the November 1<sup>st</sup> supervisor meeting board members requested Mr. Bader create a resolution stating the facts that property owners will be required to hook to public sewers. The following resolution was passed as to let property owners aware of what will be included in the sewer law once it is passed.

**TOWN OF CONSTANTIA  
TOWN BOARD RESOLUTION**

Mr. Colesante made the following resolution, seconded by Mr. Moran.

Resolution That Connection to Public Sewer is Required

**WHEREAS**, the Town of Constantia is in the process of finalizing funding for the Bernhards Bay Sewer District; and

**WHEREAS**, the process will require the adoption of a sewer use law; and

**WHEREAS**, as part of the sewer use law to be adopted by the Town of Constantia will be a requirement that connections to the Public Sewer will be required for all properties located within the district; and

**WHEREAS**, the Town of Constantia Sewer District will install the initial sewers to all the properties within the district at no cost to the property owners within the district and will decommission the existing septic systems.

**NOW, THEREFORE**, it is Resolved that the owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town of Constantia Sewer District and abutting on any street, alley, or right-of-way in which there will be located or may in the future be located a public sewer that do not connect to public sewers within 90 days of notice to do so are hereby required at the owner's expense to install suitable sanitary facilities to connect such facilities directly with the proper public sewer, in accordance with the provisions of the sewer use law to be adopted. Failure to comply will result in fines.

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>Absent</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.

As discussed at the November 1<sup>st</sup> supervisor meeting the 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’ has been corrected and ready for the necessary approval. Mr. Colesante made the motion to authorize Supervisor Mosley to sign the above mentioned agreement, seconded by Mr. Metzger.

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

**WATER:**

Mr. Parker brought with him a contract to be signed by Supervisor Mosley, it is an agreement to spend \$9,500 for a PER (Preliminary Engineering Report) for a new water district. The new district boundaries have yet to be set, but the Town has received favorable responses from Auringer Rd and County Route 23 from Knapp Rd to Salt Rd. This PER will look at the area to supply water, to include what makes the most sense for the residents. Mrs. Haynes did receive calls from two owners closer to Gayville Corners that were requesting water. Interest surveys will be sent to property owners from Salt Rd to Gayville Corners to see if there is interest. This PER is a step to move forward, a district can be created once this is done.

Mr. Colesante made the motion to authorize Supervisor Mosley to sign the agreement to spend \$9,500 once the agreement has been reviewed by the Attorney Bader, seconded by Mr. Moran.

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

**COUNTY LEGISLATOR:**

Mr. Reehil updated the board on actions by the County Legislature:

- New Director of Real Property was announced, the Town Clerk’s association sent a letter supporting Corey Menz who currently works in the department.
- The tax rate for 2022 is 1.9% lower than last year, also \$155,000 in total debt will clear in 2022
- Sales tax is way up this year, \$1M more than expected
- There was a need to add a new family court judge, the State that oversees this department is demanding new or updated court space. More news on this when available.
- The Legislature has created a new Public Defender’s office, it is believed in the long run it will save money instead of using assigned council. It will take time to get this department up and running.
- The Sheriff’s department will be running the Drug Task Force, in the past this was run out of the DA’s office.
- ARA money – the County has created an office to help oversee spending. Mr. Turner will be in charge of the department. They have \$21M left to spend, the County has used some for matching vouchers for restaurants and \$500,000 was given to Oswego Health to help with employee retention. Mr. Reehil encourages the Town and B&L to keep Mr. Turner apprised on the sewer district, to keep this project on the table for possible funding help.
- The Legislature has sent a resolution to State and Federal officials opposing the vaccine mandate.

**PARK AND RECREATION:**

Mr. Zehr was wondering what the board thought of adopting a local law to prohibit dogs on park property. There is currently an ordinance on the books that deals with activities at the park but nothing about dogs. Mr. Colesante believes this ordinance should be updated, Mrs. Haynes will get board members a copy for discussion at the next supervisor meeting.

**MINUTES:**

Mr. Moran made the motion to accept the minutes of the October 7<sup>th</sup>, 12<sup>th</sup> and 14<sup>th</sup> budget meetings, October 19<sup>th</sup> town board and November 1<sup>st</sup> supervisor meeting, seconded by Mr. Metzger.

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

**VOUCHERS:**

Mr. Colesante made the motion to accept the following vouchers as listed on Abstract #11 Dated November 16, 2021:

General	347-387	\$ 49,236.23
Highway	201-218	\$ 73,623.36
Bernhards Bay	11	\$ 45.00
North Shore Water	6	\$ 496.47
Sewer	14	\$ 105.00

Seconded by Mr. Metzger.

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

**SUPERVISOR:**

Mr. Moran read the following into the minutes:

Referring to Highway Fund Budget Transfer #1 for October 2021, the following accounts are over budget:

DB5130.4 Machinery CE	\$ 307.03
DB5112.2 Road Improvement Cap	<u>\$2,619.36</u>
Total Over Budget:	\$2,926.39

I therefore make a motion to transfer \$2,926.39 from account DB5110.4 General Repairs CE to replenish the two over budget accounts. This leaves a balance of \$29,487.72 in account DB5110.4, motion seconded by Mr. Metzger.

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

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

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

### **APPROVAL OF DEPARTMENT REPORTS:**

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

- a. Code Enforcement - \$1,212.60
- b. Justice Pelon and Justice Simpson
- c. Town Clerk - \$2,879.60
- d. Dog Control

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

### **TUG HILL COMMISSION:**

Mr. Baxter submitted the following report:

- Confirmed: absent unforeseen obstacles, the Tug Hill Commission will be holding the 2022 Local Government Conference in person on Tuesday, April 19, 2022 at the Turning Stone Event Center in Verona.
- The Tug Hill Commission has added a page to their web site about broadband: <https://tughill.org/broadband>
- There's a new consideration to keep in mind for municipalities considering an opt-out by year's end for adult use cannabis. There's a web page on the state web site for the Office of Cannabis Management: <https://cannabis.ny.gov/> -- and a page specific to local governments: <https://cannabis.ny.gov/local-government>. News: a municipality that opts out via local law by the end of the year must also fill out a short municipal opt-out form after that: <https://ocm-optout-form.ny.gov> (link for opt-out is on the Local Government page)

The question has come up about cannabis tax distribution in those communities who opt out. The Office of Cannabis Management has this on their web page:

*There is a local excise tax imposed on the sale of cannabis products from a retail dispensary to a cannabis consumer at 4 percent of the products price. This tax is distributed to local governments based on where the retail dispensary is located. 25 percent of the tax revenue goes to the county and 75 percent goes to the cities, town, or villages within the county as a proportion of cannabis sales. If a town and a village within the town both allow adult-use sales, the revenue shall be distributed based on agreed upon distribution agreement between the town and village. If no such agreement exists, then the revenue distribution between the town and village will be divided evenly.*

The Office of Cannabis Management also has a fact sheet out for local governments, and I have a copy of that for you.

- The November town board work meeting on Monday, November 1 seems so long ago, but I wanted to cover something that came up at that meeting. The town clerk had been having problems with accessing the town web site to update it, and I wanted to mention a couple things. First, I'm pleased to report that I was able to resolve the problem that day, right after the meeting. Second, I thought you might be interested in knowing what the problem was, and how I solved it.  
In brief, it was nothing that Clare was doing wrong, and it wasn't any change I made or could have corrected remotely. Any of you who have used Microsoft Windows on your computer have probably experienced Microsoft making changes to your computer along with updates that you were not asked about nor did you ask for, and that was what had happened in this case.  
Microsoft is persistent in changing things so that, whenever possible, it does work with Microsoft-originated software, not third-part software you may prefer to use as a default. And this is what happened in this case. A Microsoft update changed Clare's computer to use Edge as its default browser – and WordPress, at that point, did not work with Edge. And WordPress is the software that the web site uses for updates. So when Microsoft updated, it yanked the rug from under Clare's feet. And that's how Clare wound up not being able to update the town web site!
- I assisted the town bookkeeper with transition from the preliminary to the final budget for 2022.

### **PLANNING BOARD:**

-September 28, 2021 minutes received

-Letter of interest from Mrs. Williams to become a member of the planning board

### **CODE ENFORCEMENT:**

Mr. Haynes has submitted his official resignation as CEO for the Town of Constantia. The board will need to discuss this further at the next supervisor meeting.

### **CORRESPONDENCE:**

Letter received from Mr. Macari, Chairman of the Planning Board requesting he be reappointed to his position in January as his term expires on 12/31/2021.

### **BOARD INITIATIVES AND COMMENTS:**

After the public hearing on the 2022 budget the following change was made:

DB9060.8 Medical Insurance was at \$89,775, this was increased to \$99,500. This increase was necessary to cover the new employees' medical insurance. With no objections the following resolution was offered:

COUNCILMAN: **Colesante**

Introduced the following and moved its adoption:

**RESOLUTION TO ADOPT FINAL BUDGET FOR FISCAL YEAR 2022**

**WHEREAS** the town of Constantia has completed its preliminary budget for the fiscal year of 2022; and  
**WHEREAS** the town has properly advertised and made said preliminary budget available; and  
**WHEREAS** the town has held a public hearing on the preliminary budget on November 4, 2021; and  
**WHEREAS** the town has completed and filed its tax levy limit information with the New York State Comptroller; and  
**WHEREAS** the town is in compliance with the applicable tax levy limit; and  
**WHEREAS** the town board, having made any such necessary and permissible amendments to the preliminary budget subsequent to said public hearing;

**THEREFORE** be it declared that the town board of the town of Constantia does hereby adopt the same as the final budget for the fiscal year of 2022.

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	Absent	
Richard Colesante	Voted	<b>Yes</b>
John Metzger	Voted	<b>Yes</b>
Thomas Moran	Voted	<b>Yes</b>
Frank Tomaino	Voted	<b>Yes</b>

The foregoing Resolution was thereupon declared duly adopted.

**ADJOURN:**

At 8:56 pm Mr. Colesante made the motion to adjourn, seconded by Mr. Metzger.

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