Minutes of the Constantia town board meeting held January 17, 2006 at 7:30 p.m. in the town hall

Present: Ronald Sakonyi - supervisor Richard Colesante, Andrew Kelsey,

Daniel Buck – council members
Janet Warford - town clerk

Others present: James Bryant - county legislator

Warren Bader - town attorney

Paul Auringer - board of appeals chair

Absent - John Metzger - council member

Mr. Sakonyi made the motion to accept the 12/28/05 and 01/14/06 minutes as presented to the board.

Seconded by Mr. Kelsey.

Carried Sakonyi - yes Colesante - yes

Kelsey - yes Buck - yes

Mr. Kelsey made the motion to move to executive session to interview candidates for the justice position. Seconded by Mr. Buck.

Carried Sakonyi - yes Colesante - yes

Kelsey - yes Buck - yes

The executive session was called to order with board members, town attorney and town clerk present. Two applications have been received to date to fill the vacancy for town justice. Stephen Pelon and Darlene Baker were interviewed. The executive session was closed.

Supervisor Sakonyi called the board meeting back to order. A letter of resignation has been received from Town Justice, Richard James, effective February 15, 2006. A letter of resignation from Justice Buchan for his term of office January 1, 2006 through December 31, 2009 has yet to be received. Therefore at this time one appointment will be made, Mr. Buck made the motion to appoint Stephen Pelon to replace Richard James as Town Justice, effective February 15, 2006. Seconded by Mr. Kelsey. Mr. Pelon was asked to sit at court with Justice James and to attend the training session to be held in New York City, February 19 – 22, 2006.

Carried Sakonyi - yes Colesante - yes Kelsey - yes Buck - yes

Mr. Colesante made the motion to accept the Town Clerk's Monthly Report as submitted. Seconded by Mr. Buck.

Carried Sakonyi - yes Colesante - yes Kelsey - yes Buck - yes

Mr. Sakonyi stated nine people have applied for the code officer position and interviews will be scheduled.

The supervisor reported an audit was going on and he gave a brief summary of town accounts. Mr. Buck made the motion to accept the supervisor's summary. Seconded by Mr. Kelsey.

Carried Sakonyi – yes Colesante - yes Kelsey - yes Buck - yes

Mr. Colesante made the motion to transfer \$400 from A1220.4 supervisors contractual to A1010.4 legislative board contractual to pay for training. Seconded by Mr. Kelsey.

Carried Sakonyi - yes Colesante - yes

Kelsey - yes Buck - yes

Vouchers submitted;

General fund claims no. 1 - 29 as set forth on Abstract no.1, dated 01/17/06.

Highway fund claims no. 1 - 12 as set forth on Abstract no.1, dated 01/17/06.

Mr. Buck made the motion to pay the vouchers as submitted. Seconded by Mr. Kelsey.

Carried Sakonyi - yes Colesante - yes Kelsey - yes Buck - yes Mr. Colesante made the motion to appoint Warren Bader, Town Attorney for 2006. Seconded by Mr. Kelsey.

Carried Sakonyi - yes Colesante - yes Kelsey - yes Buck - yes

Assessor Wheeler's Monthly Progress Report was read. They are 70% complete in data collection efforts. Over 2000 parcels have been revisited, which leaves 800 parcels left to measure. All photographs and retakes have been completed and the entire photo database will be available in the next few weeks after the majority of the splits have been entered. Mr. Wheeler's office has been busy with these splits, merges, sales in town and applications for Star and Senior Renewals. Mr. Colesante made the motion to accept the Assessor's Report. Seconded by Mr. Kelsey.

Carried Sakonyi - yes Colesante - yes Kelsey - yes Buck - yes

A letter from Sharon Hostetter was read. She has concerns about potential Right-of-way infringements and land development violations for a home at 23 Fawn Road. She has written to the town attorney on October 10 and 25, 2005. In reply to her October 10th letter, the attorney has written Fawn Road is a non-dedicated private road and not a public highway and accordingly, not maintained by the Town. Accordingly, by agreement made in 1953 any and all maintenance, snow plowing and problems with respect to not only the road, but also violations of the right-of way agreement should be handled by the neighbors among and between themselves. With regard to land development violations Mr. Bader stated that after two years the sideline requirements are unenforceable and the county would govern any septic issue. A letter to this regard has been sent to Ms. Hostetter. In conclusion, Mr. Bader stated this is not a town issue and will put this in writing. Mr. Kelsey requested a copy of such letter.

The Sewer & Water Committee will meet Thursday, January 19th at 7:00 p.m. to work on developing a survey. Information was given to OCWA for analysis for the potential of their providing water from the east or west boundaries of the town.

The Town Clerk stated, effective January 15, 2006, no dog license may expire after the expiration date of the dog's rabies vaccination. If a dog is due for a rabies vaccination booster during the next year, you must have it boostered now in order to have a full year license. If you choose not to have your dog vaccinated now you will still need to pay the full fee and you will need to renew your dog license again after it has been vaccinated. Also, at the option of the governing board of the licensing municipality, a license may be issued for up to three years but again not for any longer than the expiration date of the rabies immunization for the dog.

Mr. Kelsey made the motion to approve multi-year licensing of dogs as described under the State of New York Department of Agriculture and Markets law, beginning January 15, 2005. Dog owners would have the option of purchasing a multi-year license (up to 3 years as long as the rabies vaccination is current.) The cost would be double for a two-year license, and triple for a three-year license. Dog owners, however, would not receive a refund if the dog status changes i.e. dies or ownership changes. Seconded by Mr. Colesante

Carried Sakonyi - yes Colesante - yes Kelsey - yes Buck - yes

A letter was received from Oswego County Board of Elections with regard to keeping all voting machines in place until they can provide new ones.

A letter from the NYS Department of Transportation in regard to parking on Route 49 was read. The review has been completed and signs will be installed on the south side of Route 49 through the curve and on the north side of Route 49 west of County Route 23 as soon as the maintenance forces schedules permit.

A response was received from John Bartow, Executive Director, Tug Hill Commission, in reference to Mr. Moran's letter of commendation praising the excellent work of Paul Baxter and Matt Johnson. Supervisor Sakonyi concurred with Mr. Moran and stated Paul has been a big help to him as a new supervisor.

Paul Auringer noted the Board of Appeals would be meeting on January 26, 2006 at 7:00 p.m. in the town hall.

Bob McNamara reported the Comprehensive Plan Committee met January 10th and as a result of the Public Hearing have made proposed changes to the Land Development Law Amendment which were given to the board.

Mr. Bryant stated seven Republican Committee members endorsed the appointment of Steve Pelon for Town Justice.

Councilmen Kelsey spoke about the Comprehensive Plan Committee. He feels it was formed under Article 266. Section 1, of Town Law which states in order to avail itself of the powers conferred by this article, such town board shall appoint a commission to be known as the zoning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Where a planning board already exists it may be appointed as the zoning commission. Such commission shall make a preliminary report and hold one or more public hearings thereon as deemed appropriate by the commission before submitting its final report. The town board shall not hold its public hearing or take action until it has received the final report of such commission. Upon adoption of a resolution by the town board accepting the final report, such commission shall cease to exist as a separate body.

In the Land Development Draft prepared for town board review by the Comprehensive Plan Committee, dated November 29, 2005 boundaries were set and regulations for specific areas defined. The town board accepted this draft, sending it to the county planning board for 239-m review and held a public hearing on such. This would indicate zoning and the committee a zoning commission, according to Kelsey.

Attorney Bader stated assuming that 266 exist, this amendment has qualified in making districts, so it's zoning. He feels this committee would fall under Article 272 of Town Law dealing with comprehensive plans. In Section 6(b) the law states, in the event the town board has directed the planning board or a special board to prepare a proposed comprehensive plan or amendment thereto, the board preparing the plan shall hold one or more public hearings and such other meetings as it deems necessary to assure full opportunity for citizens participation in the preparation of such proposed plan or amendment. The town board shall, within ninety days of receiving the special board's recommendation on such amendment, and prior to adoption of such amendment hold a public hearing on such. Discussion followed.

Mr. Kelsey asked Mr. McNamara how long before the committee would be done with their work and when they would cease to exist. McNamara did not know how long it would take to be done. Mr. Kelsey than made the motion to disband the Comprehensive Plan Committee working on the revision of the Land Development Law.

Mr. Colesante stated when the public was satisfied with the document, than it will be final. Mr. Buck feels that Land Development Law needs addressing, but feels as presented, it is zoning and the public sentiment agrees with this. If he finds the public wants zoning, he will support it. He also feels the committee has outgrown its usefulness.

Sharon Hostetter said the public didn't have sufficient time to review the draft and had questions that needed to be addressed. Mr. Boots feels the committee has overstepped their bounds and agrees with Mr. Bader that in defining districts, it's zoning.

Mr. Kelsey asked his motion be tabled until Mr. Metzger is present at the next meeting to entertain it.

Mr. McNamara stated the committee was trying to take the first steps to implement the Comprehensive Plan and was doing the minimum necessary. They did not deal with land uses and were not trying to sneak anything by. There are chronic problems with the Land Development Law and necessary steps need to be taken to correct these.

Mr. Colesante stated over the years a lot of good people worked on this and it would not be right to eliminate all the forward movement and work that has been done. Mr. Macari stated that if something were problematic the board should give direction to the committee so that it does not get us into zoning if that's what they want.

Supervisor Sakonyi felt new, fresh ideas; skills and backgrounds to serve on the committee would be good.

Lauri Mahaffy asked why Zoning is a bad word and portrayed as a horrible thing. Sub-committees are great, but she questioned if new appointees would come to meetings, be committed and do the work.

Mr. Nowack said the town already has distinct districts for fire, lighting, etc. The town is growing and things need to be addressed. If the board does not like what the committee is doing, tell them.

Mr. Kelsey commented the committee has had their chance, how long has this been worked on. After a certain point you have to rework the mix and appoint a new committee and chairperson. Old members would be asked to participate. A fresh new look is needed.

The Town Clerk asked what was going to happen with the remodeling of the room on the east-end of the town hall. Grant money was obtained to pay for a portion of this renovation and could be lost if the work is not completed. Also, Kay Foster has been appointed to do an Inactive Records Inventory with a portion of the grant money. Mr. Buck made the motion to follow through with the completion of the back room. Discussion followed. Mr. Sakonyi will bring a design plan to the board for next months meeting and this matter will be tabled until Mr. Metzger will be present. Mrs. Foster will not start her work until after the February meeting.

Mr. Kelsey made the motion to adjourn. Seconded by Mr. Buck.

Carried Sakonyi - yes Colesante - yes

Kelsey - yes Buck - yes