

Minutes of the Constantia town board meeting held May 16, 2006 at 7:30 p.m. in the town hall.

Present; Ronald Sakonyi - supervisor
Richard Colesante, John Metzger, Andrew Kelsey,
Daniel Buck - council members
Janet Warford - town clerk

Others present; Warren Bader - town attorney
David Webb - highway superintendent
James Bryant - county legislator
Ed Fry - ceo
Paul Auringer - board of appeals chair
Charles Gilkey – planning board chair

Mr. Metzger made the motion to accept the April 18th and May 11th minutes as presented to the board.
Seconded by Mr. Colesante

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

Vouchers submitted;
General fund claims no. 142 – 166 as set forth on Abstract no.5, dated 5/16/06.
Highway fund claims no. 51 – 61 as set forth on Abstract no.5, dated 5/16/06.

Mr. Metzger made the motion to pay the vouchers as submitted. Seconded by Mr. Colesante.

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

Mr. Buck made the motion to accept the Town Clerk's Report for April 2006. Seconded by Mr. Metzger.

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

Mr. Metzger made the motion to accept the Supervisor's Financial Report as submitted. Seconded by Mr. Colesante.

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

Supervisor Sakonyi stated the 2005 year-end Report was submitted to the state on Saturday, May 13th. No finding from the audit done by the New York State Comptrollers Office were made available when doing the year end report. Mr. Baxter said the supervisor and bookkeeper put in a considerable amount of time compiling this report based on the information available to them from 2005. There were many variants during the course of that year and as a result the year-end report was sent to the state incomplete. Board members and the town clerk will receive copies of such report and it will be on file in the clerk's office for public inspection.

Mr. Webb reported \$1302.78 was obtained from selling metal picked up at the town's annual Clean-up Days

Northshore Ambulance was thanked for providing first aid training at no charge to the town

The highway superintendent asked the board to review a letter he would like to send to government leaders requesting aid for the purchase of a salt shed. The cost of such would be approximately \$229,000 for a size the town would need. It would be nice to have the salt all contained and the town has a good chance of getting a grant for this purpose. The board was in agreement this letter could be sent by Mr. Webb. Mr. Colesante will also look into other sources of funds.

Ronald Sakonyi introduced proposed Local Law No.2-2006, to change the Real Property Tax Assessment Grievance Day in the Town of Constantia, and made the following motion, which was seconded by John Metzger.

WHEREAS, New York State Real Property Tax Law allows local municipalities to establish a date for the meeting of the Board of Assessment Review other than that provided in subdivision 1 of Section 512 of the Real Property Tax Law, and the Town Board of the Town of Constantia desires to enact a local law in this regard.

NOW, THEREFORE, it is

Resolved, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No.2-2006 at the Town Hall located at 14 Frederick Street in the Town on June 20, 2006 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

Following is proposed Local Law No.2-2006.

A Local Law changing the Real Property Tax Assessment Grievance Day in the Town of Constantia.

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

1. Purpose

The Town of Constantia in the County of Oswego employs an Assessor who is at the same time employed by another assessing unit. Pursuant to the authority granted by Section 512 (1-a) of Real Property Tax Law, the Town of Constantia desires to establish a date for the meetings of the Board of Assessment Review other than that provided in subdivision 1 of Section 512 of the Real Property Tax Law

2. Hearing Complaints

Beginning on the first Wednesday after the fourth Tuesday of May and so many days thereafter as the Board of Assessment Review deems necessary, such Board shall meet to hear complaints in relation to assessments.

3. This Local Law supersedes and is in place of the date for the hearing of complaints set forth in subsection 1 of section 512 of the Real Property Tax Law.

3. This local Law shall take effect immediately.

A letter of resignation has been received from Malcoff Davis, serving on the Board of Assessment Review. There are now 2 vacancies on that board and three people, Keith Lockard, Laurie Mahaffy and Charles Gilkey have expressed a desire to serve on this board. This matter will be brought up at a later date.

Supervisor Sakonyi stated the Land Development Law has been brought up for the past several months and it is time to readdress this. Mr. Sakonyi than made a motion to reject the November 29, 2005 revisions to the Land Development Law and to remove these revisions from the town web site and replace such with the current Land Development Law. Seconded by Mr. Kelsey.

Mr. Colesante questioned throwing out all the work that had been done on the revisions over five years by many dedicated individuals. He feels items visited need to be revisited sooner than later. The 2000 law is ambiguous, however a tremendous amount of effort went into the revisions and it is not wise to throw out these in their entirety. The documents should be examined and issues selectively approached. These revisions were the result of concerns brought forward by the code office over time and the goal was to have the ability to enforce our ordinances fairly and equitably. Mr. Sakonyi feels a fresh look is needed. The town laws should be made simple and easy for people to interpret.

Mr. Kelsey stated the proposed revisions did not address several ordinances and laws of the town. He recommended having a general code book and than taking piece by piece those things that need to be addressed General Code Publishers is a company that can do this. The proposed revisions entailed zoning and in his opinion were not the way we are going to go. Discussion followed.

Mr. Sakonyi made a motion to end the debate. Seconded by Mr. Kelsey.

Carried	Sakonyi - yes	Colesante -no	Metzger – no
	Buck - yes	Kelsey - yes	

The vote was than taken on Mr. Sakonyi’s motion regarding Land Development Law revisions.

Carried	Sakonyi - yes	Colesante - no	Metzger -no
	Buck – yes	Kelsey – yes	

The Assessors report stated we are 93.58% complete in our date collection, with around 181 parcels left to collect. Denise has been working for the Assessor in the Town of Hastings for a couple weeks during the month of May to assist with informal hearings; this is the reason there was not much change in the percentage of completion from last month.

Since the publication of the Tentative Assessment Roll, we sent out 167 change of assessment notices, with a net change in assessments of approximately \$6,648,000. These numbers are tentative, and are subject to change as a result of anyone filing a grievance with the Board of Assessment Review.

During the next few months the assessor will be meeting with Dave Hastings, Real Property Tax Director, and representatives with the New York State Office of Real Property Services to develop our public relation meetings pertaining to the upcoming town wide revaluation. The board will be apprised as to the status of such meetings as we get close to fruition.

Mr. Kelsey made the motion to accept the Assessor’s Report. Seconded by Mr. Buck.

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

The justices have requested purchasing a new printer and can do this using their contractual account. A letter of resignation has been received from Sherri Bratek, serving as Justice Clerk for Steve Pelon. Mr. Sakonyi made the motion on the recommendation of Mr. Pelon to appoint Lynn Tenant to serve as his Justice Clerk for the remainder of 2006. Seconded by Mr. Buck.

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

The CEO reported having met with representatives of BAS in his office to go over the code computer program and to provide a system upgrade at no additional cost to the town.

Mr. Fry offered to the board for action a memo regarding an Unsafe Structure. The Codes Enforcement Office has done an investigation of the property located at 10 Railroad St. after several complaints and has found it to be an unsafe structure as provided in Local Law No.1 – 1991. Copies of such law were given to board members.

A resolution was made by Mr. Metzger to accept the report from the Code Enforcement Officer deeming 10 Railroad Street an Unsafe Structure and to have action started to prevent further liability.

Mr. Kelsey stated he would like to look at the structure before any resolution is passed. Discussion followed. Mr. Colesante stated the board should rely on the CEO's judgment, he than seconded the motion.

Carried	Sakonyi - yes	Colesante - yes	Metzger - yes
	Buck - no	Kelsey - no	

The town attorney was authorized to send a letter to the property owner on behalf of the town.

The supervisor gave the DCO monthly report. He stated that on May 9, 2006 Mrs. Walsh called the dog control officer reporting two dogs from her neighborhood attacked her dog and subsequently her dog died. Following this Mr. Walsh shot and killed one of the attacking dogs in his yard. This matter has been turned over to the town court.

The Water Committee will be meeting on June 8, 2006 at 7:30 p.m. Representatives from Barton & Loguidice, P.C. and Northcountry Authority will be present to discuss funding. A revised map outlining the proposed water district and pinpointing those in favor or against having water is in the town hall for viewing.

Mr. Gilkey stated the Planning Board met on May 10th in regard to the Reed gravel pit. June 12th is the last date for written responses and this information will than be compiled and gotten into letter form.

Mr. Auringer stated the Board of Appeals has held no recent meetings.

Mr. Bryant asked who counted the yes and no votes for the water district and placed the findings on the map. Mr. Sakonyi stated he counted them, placed the findings on a spreadsheet and gave the information to B&L and the mapping was than done by computer. The surveys have not been destroyed and the public can view them in the supervisor's office. 1145 surveys were sent out, with 645 returned and still coming in.

Paul Baxter reported training to be held in Camden in July in regard to town finances. Also a session on legal issues and responsibilities for town boards are tentatively planned in Camden at a future date yet to be determined. A NIMS Information Session will be held May 23 in Oswego or May 24 in Fulton. If we do not participate in one of these sessions we may possibly not qualify for grants and funding. Attendance was encouraged.

A question arose at the recently held work session. Could an executive session be called at a work session? The answer is yes. Since a work session held by a majority of a public body is a meeting, it would have the same responsibilities in relation to notice and the taking of minutes as in the case of a formal meeting, as well as the same ability to enter into executive sessions.

The Tug Hill Commission Annual Meeting and Dinner will be held Thursday, May 25. A joint Village-Town meeting will be held May 17 at Central Square SD Ed Center at 7 p.m.

A letter was received from Sandi Dutcher requesting a Town Noise Curfew. She has been having problems in her neighborhood late at night with noise. Mr. Sakonyi stated this would be looked into.

One bid was received for the 2004 Ferris Mower from Robin Britt in the amount of \$4676.00. Mr. Kelsey made the motion to accept the bid for \$4676.00 from Mr. Britt. Seconded by Mr. Metzger.

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

Mr. Buck made the motion the board move to executive session to discuss personnel matters.
Carried Sakonyi - yes Colesante - yes Metzger - yes
 Buck - yes Kelsey - yes

All board members, the town clerk, and town attorney were present at the executive session.

The town's bookkeeping was discussed. The board will look into contracting with a firm specializing in municipal bookkeeping for some of its needs. John Metzger and Ron Sakonyi will look into finding someone who specializes in municipal accounting and report back to the board.

Mr. Buck questioned a conflict of interest occurring by two Planning Board members in regard to the Pease Rd. gravel bed issue now before the Planning Board. Councilman Kelsey's request to Attorney Bader as to whether it would be permissible for a member of the Planning Board to hear and determine the case before it, where the Board member's real property is contiguous to the applicant appearing in front of the board was answered in a letter to the Town Clerk.

It is Bader's belief, if and when any such situation occurred, the Planning Board member can sit and listen to the case presented, however, it would be his recommendation that the board member take a non-active role in the process and ultimately abstain from voting on any issue involving the Planning Board member's contiguous property owner's application. It is submitted that it is the duty of all public officials to avoid even the appearance of impropriety or conflict of interest and, accordingly, he or she should conduct themselves as outlined above. Discussion followed. The supervisor was authorized to speak with the two Planning Board members in question, instructing them to recuse themselves effective immediately from the Pease Road issue. The executive session was closed.

The monthly meeting was called back to order.

A resident questioned the state audit that has been done on town records. The New York State Comptroller's Office has not reported back to the town board yet and their findings could not be used in doing the year-end report Mr. Sakonyi stated.

Ken Macari spoke on the proposed revisions to the Land Development Law being rejected in there entirety. Many good viewpoints and a lot of work were put into the revisions. He feels the board should look at and accept a percentage or portion of the revisions. This would bring the LDL up to present day standards and recognize the people who put in so much time and effort.

Mr. Gilkey recommended the present town board hold work sessions on the revisions. Mr. Kelsey stated the organizational changes were an attempt to enact zoning. He is in favor of organizing the ordinances and local laws first and than addressing the substances. Discussion followed. Mr. Bryant stated to change the vote taken by the board on the LDL revisions one of the three board members who voted to reject the revisions would have to reintroduce a vote.

Councilman Kelsey introduced the following and moved its adoption:
RESOLVED, that the Constantia Town Board shall advertise that it is currently accepting resumes and letters of interest from any persons who are now interested or still interested in the position of Code Enforcement Officer. Seconded by Mr. Buck.

Mr. Metzger stated the current Code Enforcement Officer needs the support of this town board. At the present time we can not afford to hire anyone else. Mr. Colesante stated this is ridiculous, as we have just gone through the process of hiring this CEO. Mr. Sakonyi has received a couple of complaints with regard to the code office, personal skills and office coverage was mentioned. He feels we need a second person to help with code coverage. On Tuesday Mr. Fry reported having received 13 calls and responding to them. He also brought paper work to the town attorney's office. On Monday of this week he worked from 7:30 a.m. to 4:00 p.m. and was back in the hall from 6:00 p.m. to 11:00 p.m. He feels he has been responsive to the needs of the folks in our town. Mr. Kelsey stated that perhaps the issue is not for more code coverage, but less. Discussion followed

Mr. Colesante made a motion to end the debate. Seconded by Mr. Kelsey.
Carried Sakonyi - yes Colesante - yes Metzger - yes
 Buck - yes Metzger - yes

The vote was taken on Mr. Kelsey's motion regarding advertising for a Code Enforcement Officer.
Carried Sakonyi - yes Colesante - no Metzger - no
 Buck - yes Kelsey - yes

Mr. Kelsey made the motion to allow the Highway Superintendent to order a new mower for the town. Seconded by Mr. Metzger.

Carried	Sakonyi - yes	Colesante -yes	Metzger - yes
	Buck - yes	Metzger - yes	

Mr. Metzger made the motion to adjourn. Seconded by Mr. Colesante.

Carried	Sakonyi - yes	Colesante - yes	Metzger - yes
	Buck - yes	Metzger - yes	