

Minutes of the Public Hearing held June 20, 2006 at 7:30 p.m. in the town hall with regard to proposed Local Law No.2 of the year 2006 to change the Real Property Tax Assessment Grievance Day in the Town of Constantia.

Present: Ronald Sakonyi - supervisor
Richard Colesante, John Metzger, Andrew Kelsey,
Daniel Buck - council members
Janet Warford – town clerk
Warren Bader - town attorney

Supervisor Sakonyi opened the Public Hearing. There were no questions or comments and the hearing was closed.

Minutes of the Constantia town board meeting held June 20, 2006 at 7:35 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
Lynn Hardy - deputy town clerk, assessors clerk
Ed Fry - ceo
Karen Ashley - dco
John Brinzow – deputy supervisor
Charles Gilkey - planning board chair
Paul Auringer - board of appeals acting chair
James Bryant - county legislator

The following resolution was offered by John Metzger, who moved its adoption, seconded by Richard Colesante, to wit.

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No.2 of 2006, “A Local Law Changing the Real Property Tax Assessment Grievance Day in the Town of Constantia”, was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on May 16, 2006: and

WHEREAS, a public hearing was held on such proposed local law on the 20th day of June, 2006 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 of the State of New York; and

WHEREAS, proposed Local Law No.2 of 2006 is an unlisted action, that there are no other interested agencies and that this Board shall act as lead agency for the purposes of SEQR review; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No.2 of 2006.

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.2 of 2006 as Local Law No.2 of 2006 as follows:

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 the Real Property Tax Law, the Town of Constantia desires 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.

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.

4. Effective Date

This local law shall take effect immediately

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

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

Mr. Buck made the motion to accept the minutes of the May 16, 2006 town board meeting and June 6, 2006 Special Meeting. Seconded by Mr. Colesante.

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

Due to unforeseen circumstances a full board was not present at the Special Meeting on June 6, 2006, therefore Mr. Buck made the motion to recall the vote taken at that time appointing a bookkeeper and to now appoint Nancy Butler to serve as the town's bookkeeper for the remainder of 2006 when the full board could vote on such appointment. Seconded by Mr. Metzger.

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

Vouchers submitted;

General fund claims no. 167 – 209 as set forth on Abstract no.6, dated 6/20/06

Highway Fund claims no. 62 – 82 as set forth on voucher no. 6, dated 6/20/06.

Mr. Metzger made the motion to pay the vouchers as submitted, minus payment for voucher no. 191 in the general fund. Seconded by Mr. Colesante.

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

Mr. Colesante made the motion to accept the Town Clerk's Monthly Report for May 2006. Seconded by Mr. Buck.

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

Mr. Metzger made the motion to accept the Supervisor's Report as submitted through May 31, 2006. Seconded by Mr. Colesante. Mr. Kelsey reiterated that he would like to get this report sooner than five minutes before the meeting to have time to review it and hoped we would be aiming at this goal.

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

Mr. Webb questioned what is to be done with a deer found dead in the lake in front of a home. He got no answer. He has had questions in regard to ATV usage on town highways. The town has no law governing this, so one would have to opt to state law. The DEC should be called with regard to this matter. Oswego County it was reported maintains ATV trails.

The Supervisor read the Assessor's Monthly Progress Report as follows; the data collection phase of the town wide revaluation project has been completed. Over the next few weeks we will be entering all the new data on the computer so that we may continue on with the next phase, which will be to send out a property description to all Town of Constantia property owners.

Mr. Wheeler had a meeting with representatives from the State and County on June 15th and has developed a timetable for the upcoming months. As a result of the meeting, we will need to pass a resolution stating that the Town would like to go forward with the revaluation. Once the resolution is passed, Wheeler will forward it on to the state along with a letter formally requesting their support.

Letters will be mailed out to all town employees and board members in the Town of Constantia inviting them to a workshop on June 29th at 7:00 p.m. at the town hall. This workshop will have NYS and Oswego County Real Property Representatives on hand to discuss the procedures for the upcoming revaluation. There will then be a public information meeting held on August 23, 2006 at the Constantia VFW at 7:00 p.m. We will advertise this meeting in local newspapers' as we get closer to the actual date.

Mr. Colesante made the motion to accept the Assessor's Report. Seconded by Mr. Metzger.

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

A copy of the Resolution Authorizing Reassessment of 2007 Assessment Rolls was read by the supervisor. Discussion followed. More time was needed to study this resolution. Mr. Kelsey made the motion to table passage of such resolution. Seconded by Mr. Buck.

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

John Metzger, who moved its adoption, seconded by Richard Colesante, to wit, offered the following resolution:

WHEREAS, the Town of Constantia Unsafe Buildings Law (Local Law No.1 of the year 1991) provides for the safety, health, protection and general welfare of persons and property in the Town of Constantia by requiring unsafe building to be repaired or demolished or removed; and

WHEREAS, complaints have been made by neighbors in the area that neighborhood children have been using the structure located at 10 Railroad Street, Bernhards Bay, New York as a play house; and

WHEREAS, pursuant to Section 4 of the Town of Constantia Unsafe Buildings Law, the Building inspector made a formal inspection of the said premises on Monday, May 15, 2006 and re-inspected said premises on June 19, 2006; and

WHEREAS, in the course of said formal inspection, the Building Inspector determined that the property is in violation of NYS Property Maintenance code sections 108.3 (unfit for human occupancy), 301.2 (maintenance responsibility), 301.3 (vacant structures and land), 302.4 (weeds) and 302.5 (rodent harborage); and

WHEREAS, based on his formal inspections of the premises, the Building Inspector found that the building and property are dangerous and unsafe because of the following facts and circumstances: (1) because of its condition, the building is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Town of Constantia; (2) the structure is open at the doorways and windows, making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to the vagrants and other Trespassers; (3) the premises is or may become a place of rodent infestation; and (4) the premises consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty; and

WHEREAS, pursuant to Section 4 of the Town of Constantia Unsafe Buildings Law, the Building Inspector has rendered a report to the Town Board in writing setting forth his findings and recommending that the structure be boarded up to prevent entry and that the outside area be maintained in a safe manner; and

WHEREAS, after consideration of the Building Inspector's report, the Town of Constantia Town Board determined that the premises at 10 Railroad Street, Bernhards Bay, New York is dangerous and unsafe to the public

NOW THEREFORE, in consideration of the foregoing, it is hereby

RESOLVED AND ORDERED, that the premises located at 10 Railroad Street, Bernhards Bay, New York must be boarded up and the outside maintained in a safe manner; and it is further

RESOLVED, that the Town Board shall conduct a hearing at the Town Hall located at 14 Frederick Street in the Town on July 18, 2006 AT 7:30 P.M., or as soon thereafter as the matter can be heard, to determine whether the above Order to Repair shall be affirmed or modified or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the repair or removal of such building or structure against the land on which said building or structure is located, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND ORDERED, that no person other than the owner or his agent shall enter upon the property located at 10 Railroad Street, Bernhards Bay, New York and such property shall be posted with signs indicating "No Trespassing"; and it is further

RESOLVED, that, pursuant to the Town of Constantia Unsafe Buildings Law, Notice shall be given to the appropriate parties as set forth therein.

Discussion followed. Mr. Kelsey made the motion to table the foregoing resolution. There was no second. The question of the adoption of the resolution was duly put to a vote as follows:

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

Mr. Kelsey made the following resolution Designating the National Incident Management System (NIMS) as the basis for all Incident management in the Town of Constantia. Seconded by Mr. Metzger.

WHEREAS, the President in Homeland Security Directive (HSPD-50, directed the Secretary of the Department of Homeland Security to develop and administer NIMS, which would provide a consistent nationwide approach for Federal, State, Local and Tribal Governments to work together more efficiently and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, to facilitate the most efficient incident management it is critical that Federal, State, Local and Tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, it is necessary and desirable that all Town of Constantia departments and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Townships ability to utilize federal funding to enhance local readiness, maintain first responder safety, and streamline incident management processes.

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the Township and

NOW, THEREFORE, Ronald Sakonyi, Constantia Town Supervisor does hereby establish the National Incident Management System as the Towns standard for incident management.

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

The Code Enforcement Officers Monthly Report was given. It was reported there are presently 116 open permits. Mr. Fry stated occupancy or compliance certificates were given upon completion of a project permits were issued for. A permit is valid for one year and the CEO recommended extensions be given for these open permits, so the situation can be rectified and everything brought up to date.

Mr. Colesante made the motion to accept the CEO Report. Seconded by Mr. Metzger.
Carried Sakonyi - yes Colesante - yes Metzger - yes
 Buck - yes Kelsey - yes

The DCO reported there was no written report this month and she has several open court cases pending.

Jim Kimmel a member of the Water Committee reported that the Preliminary Engineering Report should be done in two weeks. It will be available for the committees next meeting on July 13th and to use in the application process for funding through the EPA. Hardship status due to our needs could be available in the amount of 2 million dollars in grant money and interest free loans if we qualify. With no bumps in the road a start date of 2008 is anticipated. If \$200,000 can be obtained for environmental permitting, a year can be taken off the process. State Senator James Wright and Assemblyman David Townsend, Jr. have been contacted with regard to obtaining funding. Elderly and low-income level RD504 programs could be available, along with USDA grant money and low interest loans. Points are used to determine the amount of funding available and this is based upon need. Also points are obtained by participating in Inter-municipal agreements. It was noted the Town of West Monroe is interested in participating with our town for water service and would pay for the line running through their town to Constantia. They could qualify for funding for small cities. They are sending out a survey to 250 of their town residents. The Town of Vienna is also interested in extending the water line into their town. The water project would be done in Phases. Phase 1 would be West Monroe to Constantia, Phase 2, Bernhards Bay to Vienna.

The wrong placement of yes or no dots on the water map is the results of information loaded into a computer system that generated these dots and this is being rectified. OCWA will pick up the tab for piping running through the Village of Cleveland to the Town of Vienna.

The projected cost is between \$460 - \$520 yearly. Property owners will have the option of hooking up to the water system. Those choosing not to will still pay the infrastructure cost, which will be approximately \$300. The costs for water from OCWA is approximately, \$160 a year. Homeowners will be responsible for the cost of hooking up to their homes from main water line and Mr. Kimmel stated this would be about \$12.00 per foot.

Mr. Gilkey, Planning Board Chair reported the Pease Road gravel bed issue was ongoing. The applicant has made a referral to the DEC and no information, other than this matter has been labeled incomplete, has come back to the Planning Board.

Correspondence;
NIMS Training - July 12th, 6 to 9 p.m. in Hastings
Joint School, Town meeting June 21, 2006
Bass Angler meeting
Support Canal Revitalization Bill (S1825)
June 15th letter from Judy Chevier

Regarding her mobile home and the placement of plastic not having been put under it during installation and her dealing with the Code Enforcement Officer. She stated the CEO was rude. The supervisor was present at her meeting with the CEO and felt everything went well and Mr. Fry had not been rude. She questioned why a permit was needed for a 6 X 10 porch and not for an 8 X 10 building. State law requires a building permit for a porch. She was issued a temporary certificate of occupancy and it won't run out before this issue of Poly placement can be resolved.

4 CEO Letters of Interest were received. Such request was completed as far as Supervisor Sakonyi was concerned.

Dan Ronspees - regarding a source of water for the town

Mr. Buck stated under old business that he had discussed in executive session in May a personnel issue regarding the removal of one or more members of the planning board because of the Pease Road issue. Mr. Buck than made the motion that the Town Board hold a Public Hearing to review the Pease Road gravel bed issue and the removal of planning board members due to a conflict of interest, because they either reside next to or own property adjacent to the proposed gravel bed and have had an impute into decisions made. Seconded by Mr. Kelsey.

A resident asked that the members in question be named. They are Charles Gilkey, Michael Marr and Paul Metot. Attorney Bader spoke with two of the members and asked that they recuse themselves from this issue and they have agreed to do so. Discussion followed. Mr. Sakonyi called the question. Seconded Mr. Buck.

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

The vote on Mr. Buck's motion was taken.

Not Carried Sakonyi - no Colesante - no Metzger - no
 Buck - yes Kelsey - yes

Mr. Moran questioned the purpose of advertising for a CEO again. Mr. Kelsey stated he wanted to see who is available in the event things did not work out with the present CEO, he wanted Plan B. Moran also wanted to know who was responsible for the timely notification of reports to board members before a meeting. No answer was given. He stated communication was an important issue. He felt the Assessor should have been at this meeting now that the revaluation was progressing.

Sylvia White stated her impression was there is not enough funding to hire another code officer. She spoke of her experiences dealing with previous code officers and emphasized code enforcement should be done by the book.

Mr. Kelsey's comment regarding perhaps the issue is not for more code coverage, but less was questioned. He responded he would like to see less strenuous enforcement of minutia, not the strict enforcement of every code. Discussion followed.

Mark Congden approached the board about holding an Antiques Gas & Steam Tractor Show at the town park. Mr. Kelsey made the motion that the Park & Recreation Commission have the sole discretion of allowing an Antique Gas & Steam Tractor Show to be held at Taft Bay Park in September. Seconded by Mr. Colesante.

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

Mr. Colesante made the motion to move to Executive Session to discuss a personnel matter. Seconded by Mr. Metzger.

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

The monthly town board meeting was called back to order.

Mr. Colesante made the motion to increase the hourly pay rate of Lynn Hardy, Deputy Town Clerk, Assessor's Clerk by \$1.00 per hour, effective 6/20/06, with increases than considered on a regular basis at budget time the same as other town employees. Seconded by Mr. Metzger.

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

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

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