

Minutes of the Constantia Town Board meeting held July 15, 2008 at 7:30 p.m. in the town hall

Present: Andrew Kelsey – Town Supervisor
Rip Colesante, Daniel Buck, John Metzger – Councilmen
Clare Haynes – Town Clerk

Others Present: Nancy Butler – Supervisor’s Clerk
Wayne Wooldrige – Highway Superintendent
Warren Bader – Town Attorney
Chuck Gilkey – Planning Board Chair
Ken Macri – Board of Appeals Chair
Mike Marr – Water Committee Chair
Eric Pond – Barton and Loguidice
Paul Baxter – Tug Hill Commission

Mr. Kelsey opened the meeting by thanking everyone that turned out on Saturday July 16, 2008 to honor Captain Phillip Dykeman who was killed in action on June 26, 2008 in Iraq.

Mr. Kelsey also wanted to show the board the pen and ink drawing that was donated to the Town of Constantia by Alexandra Nowack. The town has had the original framed and it hangs in the hallway of the town hall.

MINUTES:

Mr. Metzger made the motion to accept the minutes of the June 17, 2008 Town Board Meeting and the special meeting held on June 18, 2008, seconded by Mr. Buck.

Carried: Buck – Yes Colesante – Yes Metzger – Yes Kelsey – Yes

VOUCHERS:

Mr. Colesante made a motion to approve vouchers for Highway Fund numbered 83 – 99, and General Fund numbered 177 – 203 listed on Abstrace #7 dated July 15, 2008, seconded by Mr. Metzger.

Carried: Buck – Yes Colesante – Yes Metzger – Yes Kelsey - Yes

SUPERVISOR:

The board was told that the annual report has been submitted and accepted by the state. A motion was made by Mr. Metzger to accept the Supervisor’s report, seconded by Mr. Buck.

Carried: Buck – Yes Colesante – Yes Metzger – Yes Kelsey – Yes

TOWN CLERK:

A motion was made by Mr. Buck to accept the Town Clerk’s report, seconded by Mr. Metzger.

Carried: Buck – Yes Colesante – Yes Metzger – yes Kelsey – Yes

CORRESPONDENCE:

1. Oswego County Assessors’ Association – Invitation to an overview of property assessment practices for Oswego County local government officials, held on July 22, 2008 at 6pm at the Volney Town Hall.
2. Oswego County Department of Solid Waste – New solid waste collection program (e-waste)
3. David R. Townsend Jr. – Assembly bill A.10543-A re North Shore Public Library

HIGHWAY:

Mr. Wooldrige told the board that they are getting North Auringer road ready for paving.

The roof has been replaced on the old highway garage, and mowing is on-going. In the next couple of weeks he will be making the decision on which roads will be paved, not sure how many will be done must take fuel costs into consideration.

The highway department will be using the grindings from County Route 23 to help repair Deer Track Lane, the town has to pay for the grindings, but the load price is very low, around sixty dollars a load.

ASSESSOR’S REPORT:

Mr. Kelsey read Mr. Wheeler’s report to the board. All results are in from Grievance Day, the Board of Assessment review heard 122 complaints, 28 settled by means of stipulation, 29 were changed by the Board. That means 53.28% of all Grievances were changed. The next step is for owners to file for small claims. Mr. Wheeler also extended an invitation to the board members to

the July 22 meeting. Mr. Wheeler will be out of the office July 14th thru July 18th as he is attending a seminar at Cornell.

A Memorandum of Understanding was received from the NYS Office of Real Property Services in relation to keeping our assessments at 100%. Mr. Metzger made the motion to have Mr. Kelsey sign the Memorandum of Understanding, seconded by Mr. Colesante.

Carried: Buck – Yes Colesante – Yes Metzger – Yes Kelsey – yes

CODE ENFORCEMENT OFFICE:

There were two new complaints, Shacksbush Road and County Route 23 both have been turned over to the Oswego County Health Department.

Status on old complaints:

1. Kline – Gail Road not yet resolved, property line
2. Kline – 234 Center Street waiting on paperwork from 234, if not received by July 31st, the property will be tagged as not to be occupied
3. Boathouse Restaurant – noise complaint, old deck collapsed and is not in service limiting the outdoor noise
4. Boathouse Restaurant – new deck in process not complete yet
5. 17 Doris Park – Mahalick, some debris still needs to be removed

Lengthily discussion followed regarding a possible noise ordinance and or requiring Operating Permits. Mr. Illingworth gave the board some information on sound level meters and calibrators. He also included the laws from the Town of Dewitt and Village of Baldwinsville for additional information.

Mr. Kelsey is concerned about the use of the sound level meters because the town would need to hire someone to use the machine, they would require some kind of police power and training on the equipment used, not to mention the salary. Time is also a concern, Mr. Kelsey would like to have something in place by the time “The Old Boathouse” has their deck reopened. By going with the noise ordinance, the board would have to have a public hearing, draft the legislation, hire someone, this could take months.

The Town of Constantia already has a Public Assemblies Ordinance, the problem with that is it is not really designed to handle business, it is more for a field type stage.

Mr. Kelsey thinks the Operating Permit would be a good way to go. As per Local Law #3 of 2006, A local law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of Constantia. Section 10 part 1 of this law requires operating permits for conducting certain activities. Mr. Illingworth included the parts of the law that applies.

Mr. Colesante’s concern is the number of people this law covers. There are many categories to this law, one covering buildings containing one or more areas of public assembly with an occupant load of 100 persons or more. Mr. Colesante would like to see this lowered to 50. Mr. Colesante asked Mr. Bader if it is possible to change that section of this law. Mr. Bader would have to look into that to see if we have the power to change a New York State Law.

Mr. Metzger thought this would be a good way to regulate time. Mr. Buck thinks it would be important to give conditions to the operating permits so the noise could be controlled.

The board would like Mr. Bader to look into the possibility of changing the law, and then setting up a work session so that the people most effected can be there.

Mr. Colesante made the motion to have a work session in about two weeks time to deal with the Operating Permit questions, seconded by Mr. Metzger.

Carried: Buck – Yes Colesante – Yes Metzger – Yes Kelsey – yes

A Notice of Claim that was received from Mr. Garish was read, this was forwarded to our insurance carrier to handle.

Mr. Buck made the motion to accept the Code Enforcement Officer’s report, seconded by Mr. Metzger.

Carried: Buck – Yes Colesante – Yes Metzger – Yes Kelsey – Yes

