

Minutes of the May 19, 2009 Constantia Town Board Meeting held at 7:30 pm in the Constantia Town Hall.

Present: Andrew Kelsey – Supervisor
Daniel Buck, Richard Colesante, John Metzger and Frank Tomaino
– Council Members
Clare Haynes – Town Clerk
Warren Bader – Town Attorney

Others Present: Wayne Woolridge – Highway Superintendant
Nancy Butler – Supervisor’s Clerk
Chuck Gilkey – Planning Board Chair
Ken Macari – Board of Appeals Chair
Michael Marr – Water Committee Chair
Judge Steven Pelon
Paul Baxter – Tug Hill Commission

MINUTES:

Mr. Tomaino made the motion to accept the minutes of the April 21, 2009 Town Board meeting, seconded by Mr. Buck.

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

SUPERVISOR:

A motion was made by Mr. Buck to accept the Supervisor’s Report as given, seconded by Mr. Tomaino.

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

VOUCHERS:

Mr. Metzger made the motion to accept General Fund vouchers listed on Abstract #5 numbered 119 thru 129 and 131 thru 143 in the amount of \$13,407.97, Highway Fund vouchers listed on Abstract #5 numbered 74 thru 96 in the amount of \$18,206.96 and Northshore Water District vouchers listed on Abstract #5 numbered 6 and 7 in the amount of \$31,077.34. Seconded by Mr. Buck.

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

TOWN CLERK:

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

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

JUSTICE:

The Honorable Steven Pelon notified the board that on June 16, 2009 at 10:30am the Constantia Court will be having a risk assessment, this is necessary so the court can apply for a JCAP Grant. This grant can help update the courtroom and or give additional security for the court during court nights. The risk assessment people will go thru the building and give the town a rating and suggestions on what they think needs to be improved upon, then the town and apply for a grant. Judge Pelon feels this needs to be done, times are tough, security is important to maintain order. Mr. Tomaino is willing to meet with Judge Pelon and the risk assessment personnel to help answer any questions that might arise. Judge Pelon will let the board know how the assessment went.

CODE ENFORCEMENT:

Mr. Tomaino made a motion to accept the Code Enforcement Officer’s report as read, seconded by Mr. Metzger.

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

OUTDOOR STORAGE LAW:

With public support and no opposition to the proposed changes to the Outdoor Storage Law Mr. Bader read the resolution as follows:

**TOWN OF CONSTANTIA
TOWN BOARD RESOLUTION**

May 19, 2009

The following resolution was offered by Mr. Metzger, who moved

its adoption, seconded by Mr. Colesante, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. A of 2009, "A Local Law Amending the Definitions in the Outdoor Storage on Private Property Law in the Town of Constantia", was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on April 20, 2009; and

WHEREAS, a public hearing was held on such proposed local law on the 19th day of May, 2009 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. A of 2009 is a Type II action, that there are no other interested agencies, that this Board shall act as lead agency for purposes of SEQR review and that the enactment of proposed Local Law No. A of 2009 will have no significant effect on the environment; and

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

LAND DEVELOPMENT LAW:

Mr. Metzger made the motion to accept the proposed definition changes for manufactured home, manufactured home double wide, manufactured home single wide, manufactured home park, manufactured housing, seconded by Mr. Buck.

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

Mr. Metzger made the motion to accept the proposed changes to Article 4 Section 440 (mobile home changes to bring us into compliance with HUD standards), seconded by Mr. Colesante.

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

Mr. Buck made the motion to accept the proposed changes to Article 5 Section 515 (u type hunting and fishing cabins with five acres or more into Land Development Law), seconded by Mr. Tomaino.

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

Mr. Buck made the motion to accept the proposed changes to Article 9 Section 940 (Standard for dividing conforming lot), seconded by Mr. Colesante.

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

Mr. Colesante made the motion to accept the proposed changes to Article 10 Section 1032 (brings building permits into line with state standards), seconded by Mr. Metzger.

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

The following resolution was read by Mr. Bader:

**TOWN OF CONSTANTIA
TOWN BOARD RESOLUTION**

May 19, 2009

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. B of 2009, “A Local Law Amending Certain Provisions of the Land Development Law in the Town of Constantia”, was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on April 20, 2009; and

WHEREAS, a public hearing was held on such proposed local law on the 19th day of May, 2009 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. B of 2009 is a Type II action, that there are no other interested agencies, that this Board shall act as lead agency for purposes of SEQR review and that the enactment of proposed Local Law No. B of 2009 will have no significant effect on the environment; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B of 2009.

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. B of 2009 as Local Law No. 2 of 2009.

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

HIGHWAY:

Mr. Woolridge updated the board on the highway's activities. They are currently working on the roads that need to be paved this year. Mr. Woolridge would like to put in a bid to haul 1,000 – 1,500 ton of 1A, he intends to oil and stone some of the less traveled roads this year. This will help to keep the integrity of the road and it is much cheaper option than paving. Mr. Colesante questioned Mr. Woolridge about the policy in regards to cutting trees along the roadside, if the highway department leaves the logs there, who owns them? The landowner is the owner of any trees left by the roadside, typically the highway department will haul them away and will leave only at homeowners request. Mr. Metzger made the motion to accept the Highway Superintendent's report, seconded by Mr. Colesante.

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

There was one bid received for the 1997 Ford pick-up truck. The bid was for \$537.00, Mr. Tomaino made the motion to accept Mr. Mays bid for \$537.00, seconded by Mr. Metzger.

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

CORRESPONDENCE:

- 1- County of Oswego Department of Solid Waste – Household Hazardous Waste Collection
- 2- State Farm Insurance Notice of Claim – William J. Mammone
- 3- NYS Department of Transportation – Lower speed limit on State Route 49
- 4- NYS Canal Corporation – No Discharge Zone
- 5- Operation Oswego County – Marketing and Development Committee Meeting
- 6- Heritage Foundation – public forum “Preservation in Today's Economy”
- 7- Oswego County Emergency Management Office – Multi-Jurisdictional Hazard Mitigation Plan. Mr. Metzger and Mr. Colesante will be the contact people for the Emergency Management Multi-Jurisdictional Hazard Mitigation Plan.

Mr. Buck made the motion for Mr. Metzger to be the lead point-of-contact for the Town of Constantia, Mr. Colesante will be named as second point-of-contact for the Multi-Jurisdictional Hazard Mitigation Plan, seconded by Mr. Tomaino.

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

WATER:

Mr. Pond told the board that the appraisals are in for the tank sites and the pump station sites. Mr. Bader and Mr. Pond did have a meeting to get information together for the approximately 300 easements that will be required, hopefully will get most done this summer as to catch the seasonal residents. Mr. Pond is planning to fly the balloon that will show the visual impact that the tower will have at the different locations.

Mr. Colesante reminded the board that a resolution needs to be passed and given Senator Auberine and Assemblymen Townsend, so they can pass them thru the Senate and the Assembly. This is necessary to allow Onondaga County Water Authority to operate in the Town of Constantia. Mr. Colesante made the following resolution:

RESOLVED that: The Town of Constantia will allow Onondaga County Water Authority (OCWA) to operate and maintain a water system in the Town of Constantia, seconded by Mr. Metzger.

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

Mr. Kelsey would like to know how many homeowners are being serviced in the Town of Constantia by the Village of Cleveland's Water District. The concern is that the village is supplying water to homeowners outside the village and this is not acceptable. Mr. Kelsey will contact Mr. Davis the Mayor of Cleveland to get the

information on water usage in the Town of Constantia but outside the Village Water District.

ASSESSOR:

Mr. Kelsey read the assessor's report. The tentative assessment roll was completed on May 1, 2009. All value changes were mailed out the first week of May. Included in the value changes were, trends for vacant property as discussed, and value changes as a result of new construction and/or building permits. Grievance Day is May 27, 2009, property owners are encouraged to file the form RP-524 before the deadline, so they will be able to pick their own times to appear before the Board of Assessment Review. Mr. Metzger made the motion to accept the Assessor's Report as read, seconded by Mr. Buck.

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

PLANNING BOARD:

Mr. Gilkey reported on their current projects:

1. Ballagh – Townhouses still waiting on DEC Permits and Department of Health approval
2. Marr – Mike's Custom Cabinets. Letter received from Mr. Marr's attorney

The board is concerned about Mr. Ballagh's application still being held by the Planning Board, in the Land Development Law there is a 62 day decision requirement, Mr. Ballagh has had his application since April 2008. Neighbors to this property should not be in limbo for this length of time, lengthy discussion followed. Mr. Bader will look into the number of days to see if the planning board can waive the 62 day requirement. The other issue with the Ballagh project is the water and sewer hookup, one of the possibilities will be to hookup to the Village of Cleveland Water/Sewer. The town board would like Mr. Bader to look into this to see if they can do this without town approval. Mr. Kelsey would like to make a resolution or local law to prohibit the village from going outside its water/sewer district into the Town of Constantia. Mr. Bader will have a decision by next meeting.

Mr. Kelsey read the letter received from Mr. Marr's attorney, the board does not agree with a few items in the letter, Mr. Bader, Mr. Illingworth and Mr. Gilkey will meet on May 27, 2009 in the Code Enforcement Office at 7:30am to discuss a response to this letter.

BOARD OF APPEALS:

Mr. Macari told the board that there is nothing to report, would like to remind the board that they still have a vacant seat. Mrs. Haynes will run another ad for the Board of Appeals, Planning Board and Park and Recreation Commission. This time it was requested that the ad be run in the Citizen Outlet.

OTHER ISSUES:

Mr. Colesante brought up the new fee schedule that the Mr. Illingworth requested for the Code Enforcement Office, and the question of operating permits. Mr. Tomaino made a motion to leave the current fees schedule as stands, seconded by Mr. Metzger.

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

Discussion continued on the operating permits that need to be decided on. Conditions are not necessary, but a possibility, a fee also needs to be set. It was requested that Mr. Illingworth put together a memo with fee and operating conditions that he is suggesting.

TUG HILL COMMISSION:

Mr. Baxter gave the board the date of the Tug Hill Community Forums, it will be June 11, 2009 6:30pm at the West Monroe Fire Hall. The Tug Hill Commission received surveys back from about 1,000 residents, at this forum they will break down the results by geographic areas.

ADJOURN:

At 9:42pm Mr. Colesante made the motion to adjourn, seconded by Mr. Metzger.

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