

Minutes of the July 22, 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 Superintendent
Nancy Butler – Supervisor’s Clerk
Chuck Gilkey – Planning Board Chair
Paul Baxter – Tug Hill Commission

MINUTES:

Mr. Metzger made the motion to accept the minutes of the June 16, 2009 Town Board Meeting, seconded by Mr. Colesante.

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

VOUCHERS:

A motion was made by Mr. Metzger to approve General Fund Vouchers numbered 176 thru 215 in the amount of \$16,909.65, Highway Fund Vouchers numbered 120 thru 135 in the amount of \$13,014.49, and Northshore Water District Vouchers number 10 in the amount of \$12,234.50, seconded by Mr. Buck.

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

SUPERVISOR:

Mr. Kelsey had the Profit and Loss Report thru June 2009, one account of concern is A5132.4. This account is over because of an unforeseen expense, the purchase of a furnace. Ms. Butler will transfer money to cover the overage at the end of the year. All other accounts are within proper range.

Mr. Kelsey read the Supervisor’s Report a motion was given by Mr. Metzger to accept the Supervisor’s Report as read, seconded by Mr. Colesante.

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

TOWN CLERK:

Mr. Buck made the motion to accept the Town Clerk’s Report as given, seconded by Mr. Tomaino.

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

JUSTICE:

Total court receipts were \$2,688.00 for both judges. Mr. Metzger made the motion to accept the Justice Report, seconded by Mr. Tomaino.

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

AUDIT:

Ms. Butler Supervisor’s Clerk is getting bids for the three year audit that the state wants completed. Mr. Colesante would like Ms. Butler to also get bids for yearly audits, the town should be heading in that direction.

CODE ENFORCEMENT:

Mr. Illingworth received the following four complaints:

1. Winona Park Drive – bad septic, house condemned – Resolved repairs made, notice lifted.

2. Route 49-Curtone, construction too close to line, no permit – stop work order given. Application for permit rejected, sent to Board of Appeals, side yard variance needed.
3. Panther Lake-Hall- 2 issues on 17 past 65 old building and vehicles on property, second on 17 just before Ellen Street – Abandoned camper and other vehicles- letter sent.
4. Panther Lake – Birmingham-unregistered vehicles, campers, boats, snowmobile- letter sent.

Mr. Illingworth would like the board to set the fee for operating permits, he is suggesting a \$50.00 for all that need the permit. Would like to get this passed so letters can go out, and permits issued in January. The only places that are required to have the permit would be places that hold over 100 people. The board does not want to charge any not for profit origination, they must go thru inspections, but would be exempt for the fee. Mr. Kelsey will get a resolution ready for the August meeting. Mr. Tomaino made the motion to accept the Code Enforcement Officer's Report, seconded by Mr. Buck.

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

HIGHWAY:

Mr. Woolridge wanted to follow up on the Supervisor's Report, last year at this time, the highway's savings account balance was \$288,601.27, the balance is now \$353,098.52. This is an increase of \$64,497.25, all equipment that was budgeted for has been replaced and paid in full.

The state is following up on the speed reduction request in front of David C. Webb Park at Taft Bay, there is a sensor across the road, it will take time to get the results. They are also looking at the Whipple Road request.

The highway department is doing shoulders, clearing trees, crushing gravel, screening sand for winter roads, and paving is underway.

Mr. Woolridge would like the board to agree to take bids on the concrete material and work for the salt storage shed. He still would like the town to be the general contractor to save money, majority of work can be done in house. We have enough now to purchase the concrete, Mr. Kelsey signed for the \$50,000 that is coming from Aubertine thru DOT, should have that additional money by September. The board does need to authorize Mr. Kelsey to sign the Short Environmental Assessment Form and the Negative Declaration that was prepared by Shumaker Consulting Engineering and Land Surveying P.C. A resolution needs to be passed confirming the Negative Declaration. Mr. Colesante made the motion to have Supervisor Kelsey sign the Short Environmental Assessment Form on the first and second page for the salt storage shed, seconded by Mr. Buck.

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

COUNCILMAN: Colesante

Introduced the following and moved its adoption:

RESOLVED, that:

The Town of Constantia has determined that the proposed construction of a salt storage shed will not have a significant environmental impact and a draft impact statement will not be prepared.

Seconded by Councilman/Supervisor: **Metzger**

Aye: **Tomaino, Buck, Colesante, Metzger and Kelsey**

A motion was made by Mr. Tomaino to have the concrete work and materials put out to bid for the salt storage shed, seconded by Mr. Metzger.

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

Mr. Metzger made the motion to accept the Highway Superintendent's Report, seconded by Mr. Tomaino.

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

DISABILITY INSURANCE:

The board needs to adopt a resolution too have Ms. Butler change the carrier of our New York State Disability policy that we have for the highway department employees. We want to have all of our insurance policy written under NYMIR.

COUNCILMAN: **Colesante**

Introduced the following and moved its adoption:

RESOLVED, that:

The Town of Constantia will provide Voluntary New York State Statutory Disability coverage for all highway employees.

Seconded by Councilman/Supervisor: **Metzger**

Aye: **Tomaino, Buck, Colesante, Metzger and Kelsey**

LOCAL LAW:

Mr. Kelsey drafted the following law for the town board's consideration:

A LOCAL LAW LIMITING THE HOURS OF THE PERFORMANCE OF AMPLIFIED MUSIC OUTDOORS IN THE TOWN OF CONSTANTIA

Whereas the performance of amplified music outdoors has disturbed residents within their homes;

Whereas the Constantia Town Board has received several complaints from residents concerning the performance of amplified music outdoors;

Whereas the performance of amplified music outdoors late at night prevents residents from sleeping;

Whereas the cost of sound measuring equipment is too expensive to purchase and maintain;

Whereas the overwhelming majority of complaints about the outdoor performance of amplified music are complaints about music performed at businesses within the Town;

Whereas the Town Board does not seek to prevent homeowners from having outdoor amplified music performed at residents' homes;

Whereas the least restrictive means of protecting homeowners from unwanted noise associated with the outdoor performance of amplified music is to limit the hours that businesses can have outdoor amplified music;

BE IT RESOLVED, THAT the performance of outdoor amplified music at any for profit place of business shall be limited to before 10 p.m. Sunday through Thursday, and before 11:00 p.m. Friday and Saturday.

Any person who shall use, allow, let or permit to be used property for the outdoor performance of amplified music in excess of the hours allowed by this law shall be in violation of this ordinance. A violation of this ordinance shall be a misdemeanor, and shall be punishable a fine of not more than five hundred (\$500.00) dollars or imprisonment not to exceed one(1) year, or to both such fine and imprisonment.

Mr. Bader after reviewing the law advised the board that they might like to change the violation of the ordinance to 1st offense to \$250 fine and 90 days in jail and then the second offense to the \$500 and 1 year in jail. Mr. Bader will review the law and make appropriate changes for the Town Board members to review ten days prior to the public hearing.

Mr. Metzger made the motion to have a public hearing on the proposed Local Law limiting the hours of the performance of amplified music outdoors in the Town of Constantia. The Public Hearing will at 7:00 pm August 18, 2009 in the Constantia Town Hall. At the public hearing the hours of the Local Law are subject to change, seconded by Mr. Tomaino.

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

CORRESPONDENCE:

1. Letter to Department of Environmental Conservation – Three Mile Bay Wildlife Management Area
2. NYMIR – Prior Written Notice Law
3. Conti vs- Town of Constantia
4. Brenda Ko – Would like to be an Alternate on the Planning Board

Mr. Colesante made the motion to appoint Brenda Ko to the alternate position to the Town of Constantia Planning Board, seconded by Mr. Tomaino.

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

5. NYS Dept of Transportation – Looking into the speed limit request for Whipple Road

WATER:

The town has received a letter from Assemblyman Townsend in regards to the legislation that will authorize the Onondaga County Water Authority to operate and maintain the town's water system. This bill has not left committee to be passed, Assemblyman Townsend is requesting the town send letters so this matter can go before the Assembly. The town can still move forward with the North Shore Water District, but this bill still needs to be passed.

The water designs are being wrapped up and should be completed by next week. Water line easements process is in full swing, hopefully property owners will be contacted this summer.

Mr. Colesante and Mr. Pond met with Ms. Sigouin of USDA Rural Development regarding the Bernhards Bay water district funding, it is recommended that the board complete the next step, which is to fill out the application. Mr. Colesante made the motion that the town allocate approximately \$1500.00 to Barton and Loquidice to fill out the application from the USDA Rural Development in regards to funding the Bernhards Bay water district, seconded by Mr. Metzger.

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

ASSESSOR:

We are waiting for the County to upgrade our computer system with the latest version available from New York State. Once complete our sales analysis will be completed and we will begin determining if any of our assessments need to be adjusted for next year's roll. I will report any recommendations directly to the board. Mr. Colesante made a 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 told the board that there are three items before the planning board:

1. Marr
2. Ballah – received certified letter stating he will be at July 28, 2009 meeting

3. Brill

Mr. Buck made the motion to accept the Planning Boards Report, seconded by Mr. Tomaino.

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

BOARD OF APPEALS:

Mr. Metzger made the motion to advertize for the vacant position on the Board of Appeals, seconded by Mr. Colesante.

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

TUG HILL COMMISSION:

With budget time just around the corner, Mr. Baxter will once again be getting together his town by town comparison, this should be completed by Labor Day.

PUBLIC COMMENT:

Mr. Pierce would like to know who advertises for the concerts at David C. Webb Park at Taft Bay, she had a difficult time finding the listings and thinks it is a shame more people do not attend, maybe something should be put into the newspaper.

Mr. Tomaino wanted to let the board know that he contacted the Queen Central which is our current newspaper to ask if they could increase circulation to more of the Constantia area, the editor makes this decision, he will be notified of his request.

ADJOURN:

At 9:03pm Mr. Metzger made the motion to adjourn, seconded by Mr. Buck.

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