

TOWN OF CONSTANTIA
MINUTES – TOWN BOARD – AUGUST 18, 2009
7:30PM – 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
Ken Macari – Board of Appeals Chair

MINUTES:

Mr. Metzger made a motion to accept the minutes of the July 21, 2009 Town Board meeting, seconded by Mr. Colesante.

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

VOUCHERS:

Mr. Colesante made the motion to accept General Fund Vouchers numbered 216 thru 244 in the amount of \$9,826.80, Highway Fund Vouchers numbered 136 thru 150 (except 141) in the amount of \$112,859.26, and North Shore Water District Vouchers numbered 11 thru 14 in the amount of \$49,162.00, seconded by Mr. Buck.

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

SUPERVISOR:

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

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

TOWN CLERK:

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

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

ASSESSOR:

According to our agreement with the Office of Real Property Services, Mr. Wheeler has submitted the application for state aid, this will give the town \$5.00 per parcel. Mr. Wheeler will continue sales analysis and data cleanup for our upcoming meeting with the state to determine if any of our assessments need to be adjusted for next year. Mr. Colesante made the motion to accept the Assessor’s Report as read, seconded by Mr. Metzger.

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

CODE ENFORCEMENT:

Complaints read as follows:

1. Curtone, Route 49, complaint of construction too close to line, no permit, stop work issued. Application for permit submitted, rejected, sent to appeals board need side yard variance. Variance request withdrawn by applicant.
2. Hall, Panther Lake, two issues on 17 just past 65 with old building and vehicles on property. Other violation on 17 just before Ellen Street, abandoned camper and vehicles. Letters have been sent.

3. Birmingham, Panther Lake, unregistered vehicles, campers, boats snowmobiles etc, material owned by Hall. Letter has been sent.
4. Curtone, Route 49, second stop work order on another building, working with owner and contractor to get application and required work detail.
5. Richmond, Patricia Lane, shed to close to road, shed moved complaint closed.

Mr. Colesante wanted to address the Operating Permit that Mr. Illingworth requested the board set a fee on. Mr. Colesante understands that cost is a concern when setting a fee, would like to have a flat fee of \$50.00. The permit would run for one year January to December. This permit would be for assemblies over 100 people. Mr. Kelsey would also like to exempt not for profit, churches etc. Mr. Buck has no problem as long it is not going to cause the town a problem, VFW does hold blood drives and AARP meetings.

Mr. Colesante made the motion that the Town of Constantia adopt a \$50.00 fee for Operating Permits as per Local Law #3-2006. Not for profit organizations are exempt from this fee, seconded by Mr. Metzger.
Carried: Tomaino – Yes Buck – Yes Colesante – Yes Metzger – Yes Kelsey – Yes

Mr. Tomaino made the motion to accept the Code Officer's Report as read, seconded by Mr. Metzger.
Carried: Tomaino – Yes Buck – Yes Colesante – Yes Metzger – Yes Kelsey – Yes

HIGHWAY:

Mr. Woolridge told the board that the town is done blacktopping, the highway department was able to do three quarters of a mile more by sharing equipment and manpower with West Monroe and Cleveland. CHIPS voucher has been turned in to the State.

The state has reviewed the lowering of the speed limit on Whipple Road and it has been denied. They did approve the lower speed limit for the area on State Route 49 around the David C. Webb Park at Taft Bay, the signs will be up soon.

The ten thousand grant money from Townsend has been received for the salt storage shed. Mr. Woolridge would like to go forward with the next step for the salt storage shed, accept the bids for the concrete and foundations and walls. We should have the fifty thousand from Aubertine by September. Mr. Woolridge has spoken to the Department of State and they are just waiting for a signature. Mr. Buck wanted to make sure that Mr. Woolridge is confident that the grant money is going to come thru. Mr. Kelsey feels that any approval should be contingent upon grant approval, something in writing from the state guaranteeing the grant.

Mr. Colesante made the motion to accept and award the lowest bid contingent upon receiving the fifty thousand dollar grant from New York State Department of State, seconded by Mr. Metzger.
Carried: Tomaino – Yes Buck – Yes Colesante – Yes Metzger – Yes Kelsey – Yes

A motion was made by Mr. Colesante to accept the Highway Superintendent's report as given, seconded by Mr. Metzger.

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

PROPOSED LOCAL LAW NO. 3-2009 – SEPTEMBER TOWN BOARD MEETING CHANGE:

Mr. Colesante would like a work session with the board to clean up the law and take away some of the vagueness that is in it. Mr. Kelsey would like to get it right with no flaws if enacted. He would like to notify the Liquor Authority they might send an investigator, as an agency they will be able to let us know if it is too loud, give us the facts. Mr. Tomaino questioned waiting, not comfortable that the town will have to have this situation for the next six weekends. Mr. Metzger does not want anything drastic to

happen to the Boathouse, how do we temper the actions of the ABC Board, they will not care how the Town Board feels. Mr. Buck appreciates the attorney coming, but having bands every Friday and Saturday is just too much noise, we have gotten too many complaints. Work session to work on the law is the way to go.

While setting the time and the date of the work session Mr. Kelsey notified the board that the scheduled meeting for September 15, 2009 needs to be re-scheduled because the primary election is on that date. Mr. Tomaino made the motion to change the September Town Board meeting to September 16, 2009, with work session on Proposed Local Law #3-2009 after the meeting, seconded by Mr. Colesante.

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

Mr. Colesante made the motion to have Supervisor Kelsey write to the New York State Liquor Authority forward all complaints received in reference to the noise, also forward a copy to Senator Aubertine, seconded by Mr. Buck.

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

WATER:

The balloon launching for the visual impact of the placement of the water tower on Kibbie Lake has been completed, there is no impact on the lake. Mr. Kelsey will be getting together with Mr. Pond and the property owners to see about purchasing the property. Mr. Kelsey needs to get comparables first before an offer can be made. Mr. Pond is going to speak to OCWA to get information so he can draft a letter to Assemblyman Brodsky who is holding up the approval of the Home Rule that needs to be approved so OCWA can run and maintain a water system in the Town of Constantia.

PETTI VS TOWN OF CONSTANTIA:

Papers were received by the Town Clerk Mrs. Haynes and Code Enforcement Officer Mr. Illingworth in regards to the Petti/Bielec matter, all papers have been turned over to Mr. Bader.

PLANNING BOARD:

- Marr – August 25, 2009 at 7:00 public hearing
- Ballagh – has until September meeting to show progress or site plan will close
- Brill – ready for presentation

Mr. Colesante 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:

- Thall – side yard variance, granted
- Cutrone – addition, closed – Mr. Cutrone does not own property, will reapply

Mr. Metzger made the motion to accept the Board of Appeals Report, seconded by Mr. Colesante.

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

PARK AND RECREATION:

Mr. Colesante reported that Mr. Schwalbe has resigned his position on the Park and Recreation Commission. Mr. Colesante made the motion to have Mr. Edward John Whitney appointed to this vacated position, seconded by Mr. Tomaino.

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

TUG HILL COMMISSION:

- Working on the 2009 town budget comparisons
- Setting a planning and zoning workshop for late September
- Workshop for snowmobile and ATV issues for municipalities late October

CORRESPONDENCE:

1. Unified Justice Court – requesting evidence of recent audit. Mr. Metzger will contact the judges to do the 2008 audit.
2. Board of Elections – losing Bernhards Bay Polling Site will be conciliated with Cleveland.

PUBLIC COMMENT:

Mrs. Russell wanted to know what they were going to do about the corner of Frederick Street, it looks really bad with all the hard fill piled up. Mr. Woolridge has spoken to the owner, he is looking into hiring a bulldozer to take care of the piles.

Mrs. Kline from Gale Road was wondering how her complaint on the corner of Gale and Center Road is progressing, Mr. Kelsey will follow up with the Code Enforcement Officer to see where he stands in regards to this matter.

Mr. Barnello wondered if the town should hire an agency to come and test the noise level at the Boathouse and get a reading once and for all. Mr. Ko stated that the complaints should say it all, he should care about the community.

Mrs. Pierce wanted the public to know that the last concert at David C. Webb Park at Taft Bay will be Thursday, August 20, 2009 at 7:00pm.

ADJOURN:

Mr. Colesante made the motion to adjourn, seconded by Mr. Buck.

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