

TOWN OF CONSTANTIA  
**MINUTES – TOWN BOARD and NOISE WORKSHOP –October 20, 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 Macri – Board of Appeals Chair  
Michael Marr – Water Committee Chair  
Michael Parker – Barton & Loquidice

**MINUTES:**

Mr. Buck made the motion to accept the minutes of the September 16, 2009 Town Board Meeting/Noise Workshop, and the September 30, 2009 Budget Workshop, seconded by Mr. Colesante.

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

**VOUCHERS:**

Mr. Metzger made the motion to accept the following vouchers as listed on Abstract #10:

General Fund	274 - 312	\$76,005.66,
Highway Fund	168 - 187	\$15,186.17,
Northshore Water District	17 - 18	\$72,394.98

seconded by Mr. Colesante.

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

**REPORTS RECEIVED/REVIEWED:**

- Supervisor – Mr. Kelsey presented the monthly report on the Town’s finances for the month of September 2009.
- Town Clerk
- Assessor – renewal notices for Enhanced Star and Senior Citizen exemptions have been mailed and need to be returned to the Assessor’s Office by March 1, 2010.
- Court
- Dog Control
- Code Enforcement – complaints:
  - o Hall – Panther Lake, 1 violation contacted Mr. Hall
  - o Birmingham – Panther Lake, contacted Mr. Birmingham
  - o Nesbitt – Whipple Road, contacted the property seller
  - o 60 Gale Road, still one camper and trailer that needs to be removed
  - o Farrell – Shacksbush Road, burned out trailer, waiting on insurance
  - o Baxex – commercial business being ran from a residential property

Mr. Buck made the motion to accept the above listed reports as given, seconded by Mr. Metzger.

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

**HIGHWAY:**

Mr. Woolridge told the board that the salt storage shed is well under way and if the weather cooperates, it should be finished by the end of October. Mr. Woolridge has turned in a number of lights to National Grid, will follow up with them as some of the lights were turned in last month. Discussion followed on how to handle the new account that needs to be set up for the vested funds for the unused vacation time for the highway employees. Mr. Kelsey feels that this will be a good time to set a cap on the number of days that can be vested which will limit the gross liability to the town. This is something that can be done when the employee handbook is reviewed and changed, at this point a resolution and account needs to be set up so a transfer can happen by the end of the year. Mr. Metzger suggested that the resolution be formalized and further discussion if needed can happen at the budget workshop. 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

**WATER:**

Comments were received back from OCWA on the waterline plans, a few minor comments were suggested. A couple of mains need to be upsized and they requested that a “T” be installed instead of a 90

degree bend to accommodate for future growth. They are going to reserve comment on the pump station and water tower until all plans are finalized.

Wetland delineation was completed on October 19, 2009, the tank site has no problems, there are some issues with the pump station site, but the area will still be acceptable. Mr. Colesante has contacted Mr. Ross, Supervisor of West Monroe so a meeting can be set with the property owner, waiting for a response. Mr. Kelsey is contacting the property owner in Constantia.

For Constantia, a total of 80 easements of 230 have been returned, 25 of the 57 easements for West Monroe have been returned. November 17, 2009 at 6:00 was set for the easement meeting with the monthly Town Board meeting to follow, Mr. Kelsey will contact the school to see if AA Cole will be available. When date is set, Mr. Bader will send an announcement.

Rural Development has received all forms to make a pre-eligibility determination, should have an answer soon.

#### **PLANNING BOARD:**

Mr. Gilkey reported that there are three items before the board:

- Mr. Ballagh is working with local homeowners on sewer and water
- Marr – Department of Transportation is working to correct water flow
- Brill – wood processing on Route 17, approved

Mr. Metzger made the motion to accept the Planning Board's Report, seconded by Mr. Colesante.

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

#### **BOARD OF APPEALS:**

The last meeting of the Board of Appeals was on October 13, 2009, two variances were considered:

- Murphy, front yard setback, approved
- Cutrone, premature construction started, this will be cut back and modified, approved with conditions

Mr. Macari told the board that nothing new has been planned, the board is still a person short, he is appealing to the public they need a volunteer to step forward. Mr. Buck made the motion to accept the Board of Appeals Report, seconded by Mr. Tomaino.

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

#### **TUG HILL COMMISSION:**

If anyone from the Planning Board or Board of Appeals still needs to have some training hours, they need to contact Mr. Baxter asap so some sessions can be set up, there are currently no additional training sessions planned.

The Tughill Commissioners will be meeting at the Cleveland Village Hall on October 28, 2009 at 4:00 all are encouraged to attend.

#### **BUDGET:**

Mr. Colesante drafted a letter to go to all department heads letting them know that the Town of Constantia is not considering salary raises for the 2010 budget and that all contractual accounts will be held to a 3% raise. He feels this should go to all department heads so they can voice their opinion at the next budget workshop. The public hearing was set for November 4, 2009, 7:00pm at the Constantia Town Hall, with a budget workshop to follow. Mr. Metzger made the motion to submit the current version of the 2010 budget to the Town Clerk, seconded by Mr. Colesante.

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

#### **PARK AND RECREATION:**

New Christmas decorations for the electric poles need to be purchased, The Park and Recreation budget has enough to cover the cost of purchasing the decorations and to install the electricity on a few poles in Bernhards Bay. There was no opposition to this.

#### **SIDEWALKS:**

The board asked Mr. Bader to look into sidewalks as they pertain to the Town. If the town wanted to have sidewalks, districts need to be set up, only the people in the district will pay for the restoration, repairs and maintenance of the sidewalks, this is not something that the whole town can pay for. With the size of the proposed district he feels it might be quite costly, it appear to have about 30 property owners, but he has no idea at the cost of repairs. Mrs. La Vigne is going to follow up with Cleveland to see how they do their sidewalks, maybe they will have an idea that will help.

#### **DOG CONTROL OFFICER:**

Marsha Rowe of Knapp Road gave the board a letter of interest for the position of Dog Control Officer. She is aware this position is up for appointment this January and she would like to put her name in for consideration. She does currently have a working kennel.

**CORRESPONDANCE:**

Mr. Kelsey has received the report from the Justice Department on recommendations for enhanced security for the Constantia Court. A full list of recommendations can be review at the Constantia Town Clerk's Office.

**ADJOURN:**

At 8:55 Mr. Tomaino made the motion to adjourn, seconded by Mr. Buck.

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

**MINUTES – TOWN BOARD – NOISE WORKSHOP**

8:58pm the workshop opens, Mr. Illingworth, Code Enforcement Officer joins the workshop.

Discussion started on where to begin on the noise problems, Mr. Colesante has invited Mr. Illingworth to attend so he can give his perspective on which way might be the best path to follow for the Town. As Mr. Colesante sees it there are three ways to go, Local Law, Noise Ordinance or use the Operating Permit. He feels this is too important of an issue to just let go and he would like to see something in place by next year.

Mr. Illingworth thinks that the Operating Permit will be the way to go, it is something that is already part of Local Law #3 of 2006, and you can put conditions to help with the noise problems. He has contacted the Department of State and if it helps the Town, section 10 (d) of this law that requires Operating Permits to be issued to businesses of occupancy of over 100 persons can be changed to whatever number the board feels is appropriate. If the town changes this number to 50, this it will cover all A2 category establishments in the town. Mr. Kelsey asked if it can be changed to any number, and the answer is yes, the town board will just be required to agree upon a number. Mr. Colesante thinks that 50 would be a good number, that way it will include all A2 (bars), even if they are not a problem now, this will cover them so if problems happen in the future we are not backtracking. Enforcement of this law will be done in stages, written complaints, they will be issued an appearance ticket, eventually their operating permit could be revoked. Mr. Metzger would like to see a list of all businesses this operating permit will effect, does not want to hurt the owners, would like to get a feel from them and maybe they could help with requirements for the operating permit. Mr. Colesante would like to continue addressing this matter and asked Mr. Kesley to please make sure it is on November's agenda.

**ADJOURN:**

At 9:36pm the meeting adjourned.