

TOWN OF CONSTANTIA
MINUTES– WORKSESSION - TOWN BOARD – April 8, 2010
7:30AM – Constantia Town Hall

Present: Charles Gilkey – Supervisor
Richard Colesante, Thomas Moran and Frank Tomaino – Council Members
Clare Haynes – Town Clerk
Warren Bader – Town Attorney

Others Present: John Illingworth – Code Enforcement Officer
Jeffery Defuria, Owner of The Old Boathouse
Eric Troy Solomon, Owner of The Wander Inn

CALL TO ORDER:

At 7:31am Mr. Gilkey called the work session to order with the Pledge of Allegiance.

PURPOSE:

The purpose of this work session is to get some information so parameters can be set for the operating permit in reference to the section relating to outdoor amplified music.

DISCUSSION:

Mr. Defuria as requested has given the board a list of suggestions he hopes that they will take into consideration. Many ideas were discussed, it is a difficult issue to approach, nobody wants to hinder our business, but with so many complaints received from the community the board feels it needs to do something. There must be compromises on both sides. Mr. Defuria did tell the board that he has plans to put a roof and hang side curtains around the band area of the deck, which might help with the noise as it relates to the residents. After lengthy discussion and ideas from all in attendance it was decided to draft the following with another review at the April 20th Town Board Meeting.

- All Fridays until 9 pm
- 3 of 4 Saturdays per month until 11 am
- All Sundays 3 pm until 8 pm
- Memorial Day weekend Saturday until 1 am
- Labor Day weekend Saturday until 1 am
- Day of 4th of July until 1 pm
- Special fundraisers to be held on one of the three Saturdays in June, July and August until 12 am prior notification to the Code Enforcement Officer by the third Monday of the month before the event.

Mr. Solomon and Mr. Defuria left the meeting at this time.

UNSAFE BUILING:

Mr. Bader at the request of the Town Board brought the following resolution to be read and voted upon:

**TOWN OF CONSTANTIA
RESOLUTION
April 8, 2010**

The following resolution was offered by **Councilman Colesante**, who moved its adoption, seconded by **Councilman Moran**, to wit:

WHEREAS, the Town of Constantia Unsafe Buildings Law (Local Law No. 1 of the year 1991) provides for the safety, health, protection and general welfare of persons and property in the Town of Constantia by requiring unsafe building to be repaired or demolished or removed; and

WHEREAS, complaints have been made by neighbors in the area that the building and property located at 36-42 Kibbie Lake Road, Constantia, New York are dangerous and unsafe; and

WHEREAS, pursuant to Section 4 of the Town of Constantia Unsafe Buildings Law, the Building inspector made a formal inspection of the said premises on February 9, 2010; and

WHEREAS, in the course of said formal inspection, the Building Inspector determined that the property is in violation of the New York State Property Maintenance code sections 108.3 (unfit for human occupancy), 301.2 (maintenance responsibility), 301.3 (vacant structures and land), 302.4 (weeds) and 302.5 (rodent harborage); and

WHEREAS, based upon his formal inspections of the premises, the Building Inspector found that the building and property are dangerous and unsafe because of the following facts and

circumstances: (1) because of its condition, the building is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Town of Constantia; (2) the structure is open at the doorways and windows, making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to the vagrants and other trespassers; (3) the premises is or may become a place of rodent infestation; and (4) the premises consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty; and

WHEREAS, pursuant to Section 4 of the Town of Constantia Unsafe Buildings Law, the Building Inspector has rendered a report to the Town Board in writing setting forth his findings and recommending that the structure be boarded up to prevent entry and that the outside area be maintained in a safe manner; and

WHEREAS, after consideration of the Building Inspector's report, the Town of Constantia Town Board determined that the premises at 36-42 Kibbie Lake Road, Constantia, New York is dangerous and unsafe to the public

NOW THEREFORE, in consideration of the foregoing, it is hereby

RESOLVED AND ORDERED, that the premises located at 36-42 Kibbie Lake Road, Constantia, New York must be boarded up and the outside area maintained in a safe manner; and it is further

RESOLVED, that the Town Board shall conduct a hearing at the Town Hall located at 14 Frederick Street in the Town on May 18, 2010 at 7:30 p.m., or as soon thereafter as the matter can be heard, to determine whether the above Order to Repair shall be affirmed or modified or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the repair or removal of such building or structure against the land on which said building or structure is located, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND ORDERED, that no person other than the owner of his agent shall enter upon the property located at 36-42 Kibbie Lake Road, Constantia, New York, and such property shall be posted with signs indicating "NO TRESPASSING"; and it is further

RESOLVED, that, pursuant to the Town of Constantia Unsafe Buildings Law, Notice shall be given to the appropriate parties as set forth therein.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Tomaino	Councilman	Voted	Yes
Moran	Councilman	Voted	Yes
Colesante	Councilman	Voted	Yes
Gilkey	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: April 8, 2010

With the resolution passed, Mrs. Haynes will publish in the Town's official newspaper the Notice of Hearing that is scheduled for May 18, 2010 at 7:30 pm.

ADJOURN:

At 9:45am Mr. Tomaino made the motion to adjourn, seconded by Mr. Colesante.

Carried: Tomaino – Yes Moran – Yes Colesante – Yes Gilkey - Yes