

TOWN OF CONSTANTIA
MINUTES– TOWN BOARD – May 18, 2010
7:30PM – Constantia Town Hall

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

Others Present: Nancy Butler – Supervisor’s Clerk
Wayne Woolridge – Highway Superintendent
Ronald Sakonyi – County Legislator
Karen Ashley – Dog Control Officer
Paul Baxter – Tug Hill Commission
Roger Beer – Green & Seifter Certified Public Accountants, PLLC

CALL TO ORDER:

At 7:30 Mr. Gilkey called the meeting of the Constantia Town Board to order.

PUBLIC COMMENT:

None

AUDIT:

Mr. Beer from Green & Seifter Certified Public Accountants, PLLC gave the board a presentation on the audit he recently completed for the Town of Constantia. A full copy of the presentation and the official audit findings are on file in the Town Clerk’s Office.

COUNTY LEGISLATURE:

Mr. Sakoni gave the board an update on the County Legislature’s activities:

- Emergency radio system project has been reviewed by the Legislators and has been accepted, the County will hold a public hearing on May 28, 2010 at 10:00 am in the County Legislator’s Chambers in Oswego for the preparation of the final Environmental Impact Statement.
- There has been no decision on keeping the parks open or on the snowmobile fund, all is waiting for a final state budget.
- Snowmobile Legislation has been introduced to both houses from Assemblyman Barclay and Senator Aubertine.
- Festival of Sail will be held in Oswego on June 25 – 27th
- Port Ontario is closed, this announcement comes as NYS continues to face its historic fiscal crisis
- Cleveland will be having a Farmers Market at the Village Hall the 4th Thursdays of the month from 3-7pm.

WATER:

Mr. Pond from Barton & Loguidice, P.C. sent to the members of the Town Board Recommendations of Award for bids for the Constantia and Town Harbor Water Districts. In all cases the lowest bid has been recommended, B & L has worked with all companies, Mr. Pond suggests the board award the bids tonight.

COUNCILMAN: **COLESANTE**

Introduced the following and moved its adoption:

RESOLVED, that:

The Constantia and Toad Harbor Water District award Bid Number 1 Water Mains (NYS Route 49) to North Country Contractors, LLC of Henderson, NY. for the total cost of \$3,933,810.00, Three Million Nine Hundred Thirty Three Thousand, Eight Hundred Ten Dollars and Zero Cents.

Seconded by Councilman: **METZGER**

Aye: **MORAN, TOMAINO, COLESANTE, METZGER, GILKEY**

COUNCILMAN: **COLESANTE**

Introduced the following and moved its adoption:

RESOLVED, that:

The Constantia and Toad Harbor Water District award Bid Number 2 Water Mains (County, Town and Private Roads) to Syracuse Constructors, Inc. of East Syracuse, NY for the total cost of \$5,090,000.00, Five Million Ninety Thousand Dollars and Zero Cents.

Seconded by Councilman: **TOMAINO**

Aye: **MORAN, TOMAINO, COLESANTE, METZGER, GILKEY**

COUNCILMAN: **COLESANTE**

Introduced the following and moved its adoption:

RESOLVED, that:

The Constantia and Toad Harbor Water District award Bid Number 3 the 500,000 Gallon Elevated Water Storage Tank to Caldwell Tanks, Inc. of Louisville, KY for the total cost of \$1,128,700.00 One Million One Hundred Twenty Eight Thousand Seven Hundred Dollars and Zero Cents.

Seconded by Councilman: **METZGER**

Aye: **MORAN, TOMAINO, COLESANTE, METZGER, GILKEY**

COUNCILMAN: **TOMAINO**

Introduced the following and moved its adoption:

RESOLVED, that:

The Constantia and Toad Harbor Water District award Bid Number 4A NYS Route 49 Pump Station – General Construction to LaFleur Constructors, Inc. of Memphis, NY for the total cost of \$524,000.00 Five Hundred Twenty Four Thousand Dollars and Zero Cents.

Seconded by Councilman: **METZGER**

Aye: **MORAN, TOMAINO, COLESANTE, METZGER, GILKEY**

COUNCILMAN: **METZGER**

Introduced the following and moved its adoption:

RESOLVED, that:

The Constantia and Toad Harbor Water District award Bid Number 4B NYS Route 49 Pump Station – Electrical Construction to SC Spencer Electric, Inc. of Constableville, NY for the total cost of \$123,775.00, One Hundred Twenty Three Thousand Seven Hundred Seventy Five Dollars and Zero Cents.

Seconded by Councilman: **COLESANTE**

Aye: **MORAN, TOMAINO, COLESANTE, METZGER, GILKEY**

Mr. Pond explained the process after awarding the bid:

- Letter of intent will be sent to the contractors
- Notice of award letters will be issued, once all required documents have been received, contracts will be drawn up
- Contracts must be signed by Mr. Gilkey and Mr. Bader

- Copies of contracts will be given to the board
- Notice to proceed will be sent

Bernhards Bay:

- Mr. Pond gave the board the board the previous Map plan and report for the Bernhards Bay water district
- By September the full application needs to be in to the USDA or we will miss this funding deadline
- Before the application can be filed the following needs to be done:
 - Draft of Map plan and report – 2 weeks
 - Final Map plan and report – 2 weeks
 - SEQR – 1 month
 - Then must decide which way the board wants to form the district either by board vote or by petition
 - Public Hearing to give presentations
- The board does have some time before it decides which way to form the district
- The board will review the previous Map plan and report and will make a decision at the next Town Board Meeting

MINUTES:

Mr. Moran made the motion to accept the minutes of the April 20, 2010 Town Board and the May 4, 2010 Public Hearing, seconded by Mr. Colesante.

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

VOUCHERS:

Mr. Metzger made the motion to accept the following vouchers as listed on Abstract #5, Dated May 18, 2010:

General Fund	132-171	\$ 37,039.42
Highway Fund	76-98	\$ 37,815.32
Northshore Water District	12-13	\$ 42,641.87

seconded by Mr. Colesante.

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

SUPERVISOR:

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

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

TOWN CLERK:

Mrs. Haynes asked the board to please adopt the following Official Undertaking, this should be done yearly at the Organizational Meeting. Mr. Tomaino made the motion to accept the following as the Official Undertaking for the Town of Constantia.

**TOWN OF CONSTANTIA
OFFICIAL UNDERTAKING FOR THE YEAR 2010**

WHEREAS, Charles E. Gilkey, of the Town of Constantia, County of Oswego, New York has been elected to the office of the Supervisor of the Town Constantia: and

WHEREAS, Frank S. Tomaino, of the Town of Constantia, County of Oswego, New York has been elected to the office of Councilman and appointed as Deputy Supervisor and appointed as additional signer; and

WHEREAS, Clare Haynes, of the Town of Constantia, County of Oswego, New York has been elected to the Office of Town Clerk/Tax Collector for the Town of Constantia, and

WHEREAS, Stephen T. Pelon, of the Town of Constantia, County of Oswego, New York has been elected to the Office of Town Justice for the Town of Constantia, and

WHEREAS, Mark D. Simpson, of the Town of Constantia, County of Oswego, New York has been elected to the Office of Town Justice for the Town of Constantia, and

WHEREAS, Wayne Woolridge, of the Town of Constantia, County of Oswego, New York has been elected to the Office of Town Highway Superintendent for the Town of Constantia, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Constantia that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Clerk/Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk/Tax Collector; and

This undertaking of the Town Justice is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justice; and

The Town does and shall maintain insurance coverage, presently with NGM Insurance Company and Eastern Shore Associates as agent, in the sum of \$100,000 for the Town Clerk/Tax Collector and \$50,000 for the Supervisor, Deputy Supervisor, Town Justice and Highway Superintendent to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

Dated: May 18, 2010

Town of Constantia

*The signed copy of this Official Undertaking will be on file at the Town Clerk's Office.

Seconded by Mr. Metzger.

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

Mr. Metzger made the motion to accept the Town Clerk's Report as given, seconded by Mr. Moran.

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

DOG CONTROL:

Mrs. Ashley went on 12 calls this month, picked up 3 dogs, adopted out one. Still working on the enumeration will be starting State Route 49. Mr. Metzger made the motion to accept the Dog Control Officer's Report, seconded by Mr. Colesante.

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

JUSTICE COURT:

Mr. Moran made the motion to accept the Justice Report's, seconded by Mr. Tomaino.

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

PLANNING BOARD:

The Planning Board is still working on the Subdivision Law, last meeting there was a discussion about public vs- private roads which will continue at the next meeting. Mr. Woolridge will attend to help with our questions. The draft will be ready for the Town Board after the next meeting.

Mr. Kleis is proceeding with the Site Plan Review process for his equipment business.

Mr. Moran make the motion to accept the Planning Board's Report, seconded by Mr. Colesante.

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

BOARD OF APPEALS:

Nothing to report

ASSESSOR:

The tentative assessment roll was filed by May 1, 2010, the tentative roll had a net increase of \$416,600. This represents a 0.15% increase in real property value which is very little change at all, the roll becomes final on July 1, 2010. Appointments are now being accepted for Grievance Day which will be Wednesday, May 26, 2010, between the hours of 1:00pm to 4:00pm and 5:00pm to 8:00pm. Anyone wishing to make an appointment for grievance should contact our office as soon as possible. Mr. Moran made the motion to accept the Assessor's Report, seconded by Mr. Colesante.

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

CODE ENFORCEMENT:

The Code Enforcement Office is following up on the 9 active complaints. Mr. Moran made the motion to accept the Code Officer's Report, seconded by Mr. Tomaino.

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

UNSAFE BUILDING:

36-42 Kibbie Lake Road, as per Resolution dated April 8, 2010 if no action has been taken on the Order to Repair the Town Board can authorize Mr. Bader to proceed in the process by notifying the owner by certified mail that the property be secured. Mr. Moran made the motion to authorize Attorney Bader to send the property owner the certified letter, seconded by Mr. Metzger.

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

HIGHWAY:

The Highway Department is busy getting roads ready to be paved, this includes ditching and cutting back trees. They have also been cleaning out culverts. Mr. Moran made the motion to accept the Highway's Report, seconded by Mr. Colesante.

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

AUDITS:

Mr. Moran has been working on the audits for the Town Clerk/Tax Collector and Justice Departments. He has completed 2008 for the Justice Departments and 2008 - 2009 for the Town Clerk and Tax Collector, Mr. Moran would like the Board to approve the audits, if they agree with his findings. The Board thanked Mr. Moran for his work in completing the audits.

Mr. Metzger made the motion to accept the 2008 and 2009 audits for the Town Clerk's Office and the Tax Collector's Accounts, seconded by Mr. Colesante.

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

Motion made by Mr. Metzger to accept the 2008 Justice Reports, Ms. Butler is to send copies to New York State Office of Court Administration, seconded by Mr. Colesante.

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

CORRESPONDENCE:

1. Doors and locks have been completed
2. Siding and insulation has been completed on the town hall
3. Estimate was received to insulate and put vapor barrier under the office portion of the building, no decision was made at this time

PUBLIC COMMENT:

None

TUG HILL COMMISSION:

Mr. Baxter thanked Mr. Colesante for representing the North Shore Council of Governments and the Town of Constantia at the SuperCOG meeting held Thursday, May 6 in Camden.

Tug Hill Commission is meeting Wednesday, May 26 at 4:00pm at the West Monroe Town Hall.

The Town's Annual Financial Report for 2009 has been posted to the Town's web site.

BOARD COMMENT:

- Local Law 2-2010

There was an issue with the passing of Local Law 2-2010, public hearing was held but no special meeting to pass the law. The board will need to ratify and affirm, all originals are included within the minutes of the May 4, 2010 Public Hearing.

Mr. Moran made the motion to create the Department of Planning, Development and Code Enforcement for the Town of Constantia Local Law 2 of 2010, seconded by Mr. Colesante.

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

Mr. Moran made the motion to create the position Director of Planning, Development and Code Enforcement, this is a two year position with a current salary of \$29,640.00, seconded by Mr. Metzger.

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

Mr. Moran made the motion to appoint John Illingworth to the position of Director of the Planning, Development and Code Enforcement Department, this appointment will be effective upon the filing of Local Law 2 of 2010 with the New York State Secretary of State, seconded by Mr. Colesante.

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

- Meetings

Mr. Gilkey would like the board to start meeting bi-monthly. June 1 at 7:30 will be the next meeting.

- Operating Permit

With many meeting and considerations, the board made the following resolution for Operating Permit Conditions for A2 Occupancy 75 Persons or More.

COUNCILMAN: COLESANTE

Introduced the following and moved its adoption:

RESOLVED, that:

For the public, health and safety the Town of Constantia's Town Board will put the following conditions on the operating permit for A2 Occupancy 75 persons or more in the Town of Constantia. The following conditions will take place immediately.

Allowed Times for Outdoor Entertainment with Electronically Amplified Music

All Fridays 3pm until 9pm

3 Saturdays per month 7pm until 11pm including Holiday Saturdays (see item below for Holiday Saturday's hours)

2 Sundays per month 3pm until 8pm

***Memorial Day weekend Saturday 7pm until 1am**

***Labor Day weekend Saturday 7pm until 1am**

***July 4th weekend Saturday 7pm until 1am**

Special fundraisers a total of three (3) only to be held on any of the three allowed Saturdays in June, July and August 7pm until 12am (midnight) with prior notification given to the town Code Enforcement Officer prior to the third Monday of the month before the event and approved by the Town Board.

At all times the permit holder shall be required to provide access to the venue for emergency vehicles and personal responding to an emergency call.

Seconded by Councilman: **MORAN**

Aye: **MORAN, TOMAINO, COLESANTE, METZGER, GILKEY**

*This permit will be an annual permit, January to December.

- Ambulance

Mr. Gilkey has not been able to set a meeting with the North Shore Ambulance, at this point the board will set the date and send the Ambulance Board a letter to let them know what will be on the agenda. Mr. Colesante will draft the letter, hopefully they will be at the June 1st meeting.

- Sidewalks

Mrs. La Vigne has spoken to the State workers in Town, they are digging along State Route 49. Constantia and Cleveland have been selected to be part of a project thru the NYS Museum Association. The sidewalks along State Route 49 from Frederick Street until the bridge will be replaced, they are now digging looking for artifacts, then the sidewalk replacement will begin. Mr. Gilkey will contact the State to be sure they are aware of our water project, would be a waste to put in new just to be torn up again.

ADJOURN:

At 10:03 Mr. Moran made the motion to adjourn, seconded by Mr. Colesante.

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