

TOWN OF CONSTANTIA
MINUTES - TOWN BOARD –November 15, 2011
7:30pm Constantia Town Hall

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

Others Present: Warren Bader – Town Attorney
Wayne Woolridge – Highway Superintendent
Nancy Butler – Supervisor’s Clerk
Ronald Sakonyi – County Legislator
Ken Macari - Board of Appeals Chair
Paul Baxter - Tug Hill Commission

CALL TO ORDER:

At 7:30pm Mr. Gilkey called the regular meeting of the Constantia Town Board to order with the pledge of allegiance.

PUBLIC COMMENT:

None

WATER:

Constantia & Toad Harbor Water Districts Construction

- Contract No. 1 (Water Mains – NYS Route 49) - Guarantee inspection for West Monroe portion of project was completed on October 28, 2011. Guarantee inspection for Constantia portion of project will be completed the week of November 28th.
- Contract No. 2 (Water Mains - County, Town & Private Roads) – Guarantee inspections will be conducted in the summer of 2012.
- Contract No. 3 (Tank) – Holiday testing of tank interior was completed today. Tank will be disinfected and tested later this week. It is anticipated that the tank will be usable next week.
- Contract No. 4 (Pump Station) – OCWA will take over the pump station once the tank is usable.

Water Service Connections

- To date, 316 people have connected to the water system (235 in the Constantia Water District and 81 in the Toad Harbor Water District).

“In-District” Extensions

- The DOH/EFC approved “In-District” extensions.
- B&L can provide a proposal to assist with the design, permitting, bidding and construction of these “In-District” extensions if the Towns would like to move forward with all or a portion of these extensions.

Proposed Bernhards Bay Water District

- To date, the water committee has collected 116 signatures, which amounts to 41.7% of property owners and 45.6% of assessed value.
- The Town received a letter from the Rural Development dated November 8, 2011 requesting clarification and/or additional information on a few items in the Map, Plan and Report dated July 2011. B&L is drafting a response to those comments.

If the Town Board desires, they can pass a resolution, which formally designates the Town of Constantia as Lead Agency. The Town, as Lead Agency, must determine the significance of the proposed project (i.e., issue a Negative Declaration if it is found that the project will not have a significant effect on the environment, or issue a Positive Declaration if the project may have a significant effect on the environment) within 20 calendar days of its establishment as Lead Agency. The Town can establish lead agency and make a determination at the same meeting to avoid scheduling a Special Board Meeting.

Mr. Colesante made the following motion:

RESOLUTION ESTABLISHING TOWN OF CONSTANTIA TOWN BOARD AS LEAD AGENCY AND DETERMINING THAT ACTION TO CONSTRUCT THE BERNHARDS BAY WATER DISTRICT AND OCWA INTERCONNECT IS A TYPE I ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Town of Constantia (the “Town”) is the sponsor of the Bernhards Bay Water District and OCWA Interconnect Project (the “Project”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6NYCRR Part 617 (the “Regulations”), the Town desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, pursuant to SEQRA and the Regulations, the Town prepared Part 1 of the Full Environmental Assessment Form (FEAF) and sent it to potentially “involved agencies” and “interested agencies” (as these quoted terms are defined in the Regulations) on August 4, 2011, indicating the Town of Constantia Town Board’ (the “Board”) desires to serve as “Lead Agency” (as this quoted term is defined in the Regulations) for a coordinated review under SEQRA of the Project; and

WHEREAS, each of the involved agencies or potentially involved agencies has agreed to or raised no objection to the Board serving as Lead Agency for a coordinated review under SEQRA for the Project; and

WHEREAS, pursuant to the Regulations, the Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1 and 2 of the FEAF together with other available supporting information to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of environmental concern;

NOW, THEREFORE, BE IT

RESOLVED that, the Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED that, based on examination of the FEAF and other supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Board's knowledge of the area surrounding the Project and such further investigation of the Project and its potential environmental impact as the Board has deemed appropriate, the Board makes the following findings and determinations:

1. The Project is described in the FEAF; and
2. The Project constitutes a "Type I action" (as the quoted term is defined in the Regulations); and
3. No significant adverse environmental impacts are noted in the FEAF for the Project and none are known to the Board.

Therefore, the Board hereby determines that the Project will not have a significant adverse environmental impact, and the Board will not require the preparation of an Environmental Impact Statement with respect to the Project; and

BE IT FURTHER RESOLVED that the Town of Constantia Town Board authorizes Charles Gilkey, Supervisor, to sign Pages 1 "Determination of Significance" and 10 "Verification" of the FEAF; and

BE IT FURTHER RESOLVED that the Board directs the Town Supervisor and the project engineer to publish notice of and file a copy of the Negative Declaration for the Project in accordance with the Regulations; and

BE IT FURTHER RESOLVED that the Town Supervisor, together with counsel for the Town and the project engineer are hereby authorized and directed to take all actions, serve all notices and complete all documents in order to give full force and effect of this determination; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Seconded by Mr. Moran.

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

Mr. Gilkey asked if Mr. Bader could address the Constantia 20 issue in regards to them forming their own district. The first step for them to form a district would be the map, plan report which is costly. A district cannot be established with just a contract between them and the village of Cleveland.

Mr. Parker informed the board that the Constantia and Toad Harbor Water District won the APWA award for the project of the year. There will be a dinner held on Thursday, November 18th at that dinner posters will be there for review, they will then be given to the town.

Mr. Moran asked about the signatures that have been collected for the Bernhards Bay Water District. Only residents that are in favor of the district can sign the petition. They have received only about 30 negative responses. Mr. Gilkey and Mr. Bader are getting a letter together to send to the people who have been unavailable. Mr. Metzger asked Mr. Gilkey to send a note of thanks to Mr. and Mrs. Miller and Mrs. Murphy for all their work, they have spent a lot of time talking to people and the board does appreciate all they have done.

COUNTY LEGISLATOR:

Mr. Sakonyi reported:

That on November 16, 2011 at 1:30pm, in the County Office Building there will be a Public Hearing on:
-Local Law No. 5 of the Year 2011 entitled, "A Local Law Providing for the Creation of the Office of the Oswego County Code Enforcement Officer Regarding the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and New York State Energy Conservation Code for all Buildings and Facilities Owned by the County of Oswego"

This law was created because New York State has notified the County of a new charge of \$1,200.00 for inspecting all building and facilities. This charge would be per building, it was cost effective to add this new department using existing staff. There will be a fee schedule approved for towns to use if they choose not to have their own Code Enforcement Office.

-Local Law No. 4 of the Year 2011 entitled, "A Local Law Overriding the Tax Levy Limit for Fiscal Year 2012" This is being considered as a precautionary measure. Mr. Sakonyi does not know what the levy will be but is hoping for a decrease.

Mr. Colesante asked for Mr. Sakonyi's help with a resolution encouraging the re-instatement of the hazing of Coromants on Oneida Lake. Both Madison and Onondaga Counties have passed similar resolutions but Oswego and Oneida Counties really have jurisdiction. The Coromants are building again, they must be kept under control. Mr. Sakonyi will be happy to help.

Mr. Bader asked what the status was on the lawsuit against the County Clerk in reference to fees charged. There will be an executive session on Wednesday, November 16, 2011, it is expected that will be one of the topics.

MINUTES:

Mr. Metzger made the motion to accept the minutes of the October 18th town board meeting, October 13th, 20th, 27th and November 3rd budget meetings, seconded by Mr. Colesante.

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

VOUCHERS:

Mr. Colesante made the motion to accept the following vouchers as listed on Abstract #11, Dated November 15, 2011:

General Fund	324-350	\$ 32,843.76
Highway Fund	183-200	\$ 72,437.80
Northshore Water District	94-103	\$ 38,324.10

Seconded by Mr. Moran.

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

SUPERVISOR:

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

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

HIGHWAY:

Leaf pick up is completed, there has been a lot of positive feedback from residents. The DEC grant has been applied for should be in shortly. The leaves have been brought to the gravel bed they are being mixed with wood chips from the town and county. This mix is free to any resident of the town. First plowing of the season was November 11th, all trucks have been turned over. The boys have been cold patching and cutting trees. Mr. Metzger made the motion to accept the Highway Superintendent's report, seconded by Mr. Colesante.

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

Mr. Moran asked if we get reimbursed to plow county roads. The article in the paper was for Onondaga County, they do a flat rate. Oswego County pays by the hour, that is the only fair way to do it.

TOWN CLERK:

Mr. Metzger made the motion to accept the Town Clerk's report, seconded by Mr. Tomaino.

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

ASSESSOR:

To date we have received approximately 147 renewal applications for Star and Senior Citizen Exemptions. We will continue to accept these applications until the March 1, 2012 deadline.

With the merger of Department of Taxation & Finance (DTF) with Office of Real Property Tax Services (ORPTS), the State has decided to move the ORPTS website in with the DTF's website. The new web address is <http://www.tax.ny.gov/>, and although government transparency is important, the information is not as easily available nor, is it understandable as it was under the ORPTS' individual website. Access is still relatively easy, as Oswego County's website will redirect you to the correct address, but navigation is a bit more complicated.

Since next month will be December, I wanted to let you know of my intention to take December 27, 2011 off, and return to work on January 3, 2012. Although I will not be in the office, I am always available through email or my cell phone. Mr. Tomaino made the motion to accept the Assessor's report, seconded by Mr. Metzger.

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

CODE ENFORCEMENT:

There are still problems with property at 1314 County Route 17, Bernhards Bay, under the Unsafe Building Law. The next step for this property will be handled in January 2012. The old Mobile station on State Route 49 has been demolished, top soil is being spread. Looks nice. Mr. Moran made the motion to accept the Code Officer's report, seconded by Mr. Metzger.

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

DOG CONTROL:

Mrs. Ashley has looked into bringing deceased canines to the solid waste facility, there is a \$50.00 yearly fee that will be shared with West Monroe, then \$10.00 per canine. Her mileage will also need to be reimbursed, but this will be a great savings to the town. Mr. Moran 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

PLANNING BOARD:

Mr. Moran made the motion to accept the Planning Board's report, seconded by Mr. Metzger.

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

BOARD OF APPEALS:

At the November 1st board of appeals meeting three variances were approved, at the November 10th meeting one variance was approved. Mr. Metzger made the motion to accept the Board of Appeals report, seconded by Mr. Tomaino.

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

JUSTICE:

Mr. Metzger made the motion to accept Justice Pelon and Justice Simpson's reports, seconded by Mr. Tomaino.

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

PUBLIC COMMENT:

None

TUG HILL COMMISSION:

Mr. Baxter told the board:

- Zoning Board of Appeals Basics will be held Monday, November 21, 2011 7:00 pm Parish Village Gym
-Site Plan Review, Subdivision Review and Special Permits on Thursday, December 8, 2011 7:00 pm West Monroe Town Hall

BOARD COMMENT:

-Letter received from Northshore AARP, inviting board members to their bus trip on Monday, December 19th

Mr. Colesante made the motion to accept the 2012 budget, with changes as requested at the November 10, 2011 Public Hearing, seconded by Mr. Metzger.

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

Mr. Colesante would like to schedule a meeting to review the Land Development Law, Thursday, December 15, 2011 at 7 pm will be the first meeting. He would also like to schedule a few joint meetings with the Cleveland village board. If joint meetings were scheduled, it would help to open communications between the town and the village. Mr. Colesante will get some dates together for February.

WATER BOARD:

Two residents have requested that their properties be reviewed for EDU's charges.

- 36 Ackerman Road, Hamling residence. This property currently is being charged for two EDU's, it has a house and cabin on same tax parcel. Mr. Wheeler has gone and verified the status of both house and cabin, it appears the cabin is being used as such. The water board stated that all properties with two residents on one tax parcel should be charged for both units. Vote was taken, all board members voted to keep the EDU's for this parcel at two.

-1358 State Route 49 - Marr property. This property currently is being charged for two EDU's, it has a residence and a warehouse out behind. Mr. Marr has requested it be lowered to one because the warehouse is not using the water, it is being serviced by a private well. The water board stated that usage was not a criteria for being charged an EDU. Vote was taken, all board members voted to keep the EDU's for this parcel at two.

-1352 State Route 49 - Marr property. This property currently is being charged for one EDU. It contains a retail sales store. The upper level has been changed from office space to an apartment. Vote was taken, all board members voted to increase the EDU's to two.

ADJOURN:

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

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