

TOWN OF CONSTANTIA
MINUTES - TOWN BOARD –February 21, 2012
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
Nancy Butler - Supervisor's Clerk
Wayne Woolridge - Highway Superintendent
Paul Baxter - Tug Hill Commission
Ron Sakonyi - County Legislator

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 and Toad Harbor Water Districts Construction

- Contract No. 1 (Water Mains – NYS Route 49) – Change Order No. 5 (Over/under quantity adjustments) has been sent to North Country Contractors for signature. Upon receipt of the signed Change Order No. 5, recommendation for final payment will be forwarded to the Town Board.
- Contract No. 2 (Water Mains - County, Town and Private Roads) – Water main leak was observed and repaired on Kibbie Lake Road near the intersection of Route 49. Permanent restoration will be completed as soon as weather permits. Guarantee inspections will be conducted in the summer of 2012.
- Contract No. 3 (Tank) – Caldwell Tanks has forwarded a revised proposal to settle the outstanding additional engineering and inspection charges that resulted from the failure of Caldwell to deliver a serviceable tank on or before the scheduled date of Substantial Completion.
- Contract No. 4 (Pump Station) – LaFleur is scheduling a training session for OCWA personnel on the operation and maintenance of pump station equipment, which is last remaining punch list item.

Water Service Connections

- To date, 357 people have connected to the water system (270 in the Constantia Water District and 87 in the Toad Harbor Water District).

“In-District” Extensions

- Marques & Associates, P.C. from Rochester, New York has completed all survey field work. It is expected that Marques will submit the final survey files to B&L by February 24th. Upon receipt of the survey, data design of the extensions will begin in earnest.

Proposed Bernhards Bay Water District

- To date, the water committee has collected 118 signatures, which amounts to 42.4% of property owners and 45.6% of assessed value. CCF is working on a mailer, which will be sent to property owners the water committee couldn't reach.
- The Town received a preliminary funding estimate from the Rural Development on December 16, 2011 and an application meeting was held on January 4, 2012. B&L has prepared a proposal to assist the Town with additional project development, general funding assistance, petition assistance and general coordination.
- The Town is in discussion with the Village of Cleveland regarding a potential joint project that would benefit both municipalities.

Mr. Parker brought with him a proposal that needs approval, this revised proposal is an increase to the original cost for the Proposed Bernhards Bay Water District. This \$8,000.00 increase will put the total billing for services for Bernhards Bay at \$38,000. The additional \$8,000.00 will be to:

1. Project Development Assistance

B&L will assist the Town and its attorney with general funding application assistance, correspondence, and teleconferences. A total of forty (40) hours has been allocated to this task.

2. Petition Assistance and General Coordination

B&L will update the information sheet used by the water committee for inclusion in the mailer being prepared by the Town's attorney. B&L will provide assistance and general coordination services to the Town regarding circulation of the petitions necessary for district formation. A total of twenty (20) hours has been allocated to this task.

This proposal needs board approval to move forward. This would not include any additional spending necessary if the town and the village decide to do a joint project, that cost would be an additional \$8,000.00 to \$10,000.00 to be split by both. At the present time, there has only been meetings between B&L, town and village, nothing technical has been created. Mr. Colesante asked how long will RD sit on

their proposal, Mr. Parker believes the original letter said 90 days. It has already been 30-40 days, they know the proposal is too high, but would like to see movement from the town. If they see movement then maybe they will come back with a better offer. Right now the offer that the town is looking at would be for the smallest grant, but with the best rate. Mr. Colesante asked if we approve this, does this get us to a point as to which path the project will take. Mr. Parker said, yes that would get it thru the whole process, unless it is decided to do the joint project and go thru DWSRF that would be an additional 8,000 to 10,000 split between the village and town.

Mr. Colesante made the motion to approve the additional \$8,000.00 to get the Proposed Bernhards Bay Water District thru the Project Development Assistance and Petition Assistance and General Coordination as listed above. This will be signed by Mr. Gilkey, seconded by Mr. Metzger.

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

Mr. Sakonyi is going to Albany next month, the Governor has requested any pet projects be brought to Albany so they can be considered for the next budget cycle. Mr. Sakonyi will be meeting with Senator Richie and Assembly Member Tenney he would be happy to speak to them on this. Mr. Gilkey will get something ready for Mr. Sakonyi.

COUNTY LEGISLATOR:

Mr. Sakonyi reported:

-DEC Household Hazardous Waste Program will commence May 1, to September 30th. As a reminder, mercury bulbs should be taken to the Bristol Hill Facility.

- Awarded \$216,855 for the 2011-2012 snowmobile trails program.

-Cleveland 911 calls were being routed to Oneida County instead of Oswego County, this only affects residents on State Route 49. Time Warner is working to fix the problem.

-Dr. Norfleet, Public Health Director is retiring in May, a search has begun to find a replacement.

-Christine Cerklewich was recommended for appointment to the position of Director of Social Services.

-County drug team is putting together an initiative to investigate welfare recipients and drug arrests. Drug money is considered income, if an applicant for welfare falsifies their income on an application that is fraud. DSS recovered more than \$56,000 in fraud cases last year with 11 convictions. Senator Schumer announced his own plan aimed at fighting the spread of illegal drug use throughout Oswego County.

-28% of the population of this county is receiving public assistance of some sort.

-County has received a \$1,000 donation from WalMart Granby and \$500 from the Sheriff Deputies Association for Project Lifesaver.

-The Governor has proposed a state takeover of the cost of Medicaid growth over the next three years. This would save local governments \$1.2 billion over the next 5 years.

-The Governor is focusing on reforming the public pension system one the most expensive mandates for local governments. Pension costs are growing at an unsustainable rate, projected to increase 185% from 2009 to 2015. That is why the Governor has called for changes in the public pension system for new employees. This would save the local governments \$79 billion over the next 30 years.

Mr. Sakonyi did a quick review of the State of the County report, this report can be reviewed at any time at the Town Clerk's Office.

MINUTES:

Mr. Moran made the motion to accept the minutes of the January 17th town board and the January 26th special meeting, seconded by Mr. Colesante.

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

VOUCHERS:

Mr. Moran made the motion to accept the following vouchers as listed on Abstract #2, Dated February 21, 2012:

General Fund	14-32	\$ 14,800.69
Highway Fund	32-66	\$253,798.49
Northshore Water District	6-13	\$325,452.22

Seconded by Mr. Tomaino.

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. Colesante.

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

Mr. Moran would like to this year try to clean up the supervisor's report A690 Justice Fund. This is on the report as a false income. After the annual report is submitted to the State, Ms. Butler will look into this problem.

HIGHWAY:

Highway department has been out cutting trees on Whipple Road, this road is on the list to be oil and stoned this year, also cutting trees on Center Street. They have been replacing stop signs with the new reflective material, also replacing street signs. They will be making gravel in the County pit. Mr. Woolridge updated the board about the purchase of the land next to the existing pit. If the town purchases

the land, the town can use the County's mining permit. It is a good deal for both the county and the town, both benefit from the agreement. Mr. Woolridge has been in touch with Mr. Ospelt from the county, they are interested and he is speaking to the county attorney for approval. 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

TOWN CLERK:

Mrs. Haynes gave her report along with the tax collector report. Mr. Colesante asked if the numbers are behind from last year, Mrs. Haynes responded that she has collected 72% so far, that is about normal. Mr. Tomaino made the motion to accept the Town Clerk's report, seconded by Mr. Metzger.

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

ASSESSOR:

The exemption filing deadline of March 1, 2012; is quickly approaching. Once the deadline has expired, we will continue to process the remainder of the exemptions.

Also, it is that time again to begin our annual inspections of properties in town where there has been a physical change (building permits). Our field work will continue through the middle of April as we begin to prepare our 2012 tentative assessment roll.

After the publication of the tentative roll, we will then begin preparing for the informal review process, which will then lead into the formal review (Grievance Day). I will be providing more information as it becomes available.

I would also like to remind the board, that there will *not* be any mass changes to property values for the 2012 roll year. Per our agreement with the State, we will be looking into the possibility of updates for the 2013 roll. The board should keep in mind, however; that the rules governing assessments has been constantly changing since the Department of Taxation and Finance took over the Office of Real Property. When the time comes, I will present any relevant information so that we may make an informed decision as to our next step for the 2013 assessment roll.

Mr. Metzger 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:

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

UNSAFE BUILDING:

The following resolution was offered by Mr. Colesante, who moved its adoption, seconded by Mr. Metzger, 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 buildings 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 1314 County Route 17, Bernhards Bay, New York are dangerous and unsafe;

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 August 2, 2011; 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 Section 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 inspection 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 1314 County Route 17, Bernhards Bay, 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 1314 County Route 17, Bernhards Bay, New York must be leveled 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 March 20, 2012 at 7:00 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 or his agent shall enter upon the property located at 1314 County Route 17, Bernhards Bay, New York, and such property shall be posted with signs indicating "NO TRESPASSING;" and it is further

RESOLVED, 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:

Tom Moran	Councilman	Yes
Frank Tomaino	Councilman	Yes
Richard Colesante	Councilman	Yes
John Metzger	Councilman	Yes
Charles Gilkey	Supervisor	Yes

The foregoing resolution was thereupon declared duly adopted.

DOG CONTROL:

Mr. Metzger made the motion to accept the Dog Control Officer's report, seconded by Mr. Tomaino.

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

PLANNING BOARD:

Nothing to report.

BOARD OF APPEALS:

Nothing to report.

JUSTICE:

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

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

PUBLIC COMMENT:

Mrs. Kline from Gale Road was wondering if they were going to replace the road signs for Gale Road, both ends are missing again. These signs are village signs, she will ask at the next village meeting.

TUG HILL COMMISSION:

Mr. Baxter:

- Early registration due by March 7th for the annual conference

-Primary Day changes

-2% workshop for the tax levy, this will focus on villages, but towns are also welcome, tentative date March 14th

-Discussion on redistricting for both Assembly and Congressional seats, this will affect Constantia, there is currently no timetable to complete the redistricting.

BOARD COMMENT:

-Cleveland Fire Department Report received

-Letter received from Mr. Daniel Pone, Sunset Bay interested in the alternate position on the planning board, will table until March meeting, advertisement is paper gave date of March 16th for interested parties.

Mr. Moran made the motion to appoint Mr. Charles R. Williams to the Planning Board this appointment will be for the term vacated by Mr. Curt Schwalbe, term expires December 31, 2014, seconded by Mr. Colesante.

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

-Grant for fire protection study involving both Constantia and village of Cleveland fire departments. Mr. Mike Wilbur did the study for the village of Phoenix, Mr. Gilkey has been speaking to him will supply a proposal with scope of services. Mr. Baxter found a grant 90/10 looks like the total cost will be around \$25,000 to \$30,000. More information should be available next month.

-Mr. Metzger made the motion to have Mr. Gilkey sign the North Shore Ambulance contract, \$270,300.00, the Constantia Fire District #1 Contract, \$112,490.00, the Fire Protection Contract with the

village of Cleveland, \$86,760.00, the Fire Protection Contract with Constantia Fire District #1, \$86,760.00 and the Kennel Agreement, \$1,500.00, seconded by Mr. Colesante.

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

ADJOURN:

At 9:21 pm Mr. Moran made the motion to adjourn, seconded by Mr. Colesante.

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