

TOWN OF CONSTANTIA
MINUTES - TOWN BOARD –June 18, 2013
7:30pm Constantia Town Hall

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

Others Present: Wayne Woolridge - Highway Superintendent
Paul Baxter - Tug Hill Commission
Ron Sakonyi - County Legislator

Absent: Frank Tomaino– Council Member

CALL TO ORDER:

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

PUBLIC COMMENT:

At the May town board meeting Mrs. Pierce with came with concerns about the loud music from The Old Boathouse. Mr. Gilkey and Mr. Abbass went and spoke to Mr. and Mrs. Pierce about their concerns. Mr. Abbass is the current owner of the establishment. Mr. and Mrs. Pierce were given a current schedule of bands, Mr. Abbass will do what he can to keep the noise down and if possible he will try to shut the bands down by midnight.

WATER/SEWER:

Constantia and Toad Harbor Water Districts Construction

- Contract No. 4 (Pump Station) – All work under this Contract has been completed. Status unchanged for Contract No. 4A bonding/payment issues.
- Contract No. 5 (Water Mains – Extensions) – Remaining work includes restoration/punch list. Settlement of NYS Route 49 at location of Crossing No. 2 (near golf course in West Monroe) has stopped sinking. Syracuse will mill and overlay a 10' wide strip to remove the dip.

Proposed Bernhards Bay Water District

- The petition process continues. Currently, 56.1% of the total assessed value and 57.6% of resident assessed value have signed the petition. A few additional signatures have been received, but haven't been validated by the assessor yet.
- A revised Preliminary Funding Estimate (PFE) was received from USDA RD on June 5th. The PFE results in an estimated annual user cost of \$707.31, which is above the Comptroller threshold and estimated user cost in the Map, Plan and Report.
- It is anticipated that the joint project with the Village of Cleveland will receive an additional 35 points on this year's DWSRF IUP, increasing the score to 150 points. Last year the subsidized funding was 145 points. If the joint project doesn't meet the funding line this year, the Town will have to decide whether to move forward with the Town only project with the RD offer or continue to pursue funding for the joint project.

Constantia Lakefront and Hamlet Sewers

- A workshop meeting was held on June 13th to review preliminary layouts and cost estimates for the sewer/force main locations, sizes and pumping systems to service the potential/future sewer service areas and convey flows to the Village of Cleveland WWTP, Town of Hastings WWTP (via facilities in the Town of West Monroe) and new Town of Constantia WWTP.
- A meeting with the Village of Cleveland has been scheduled for Wednesday, June 19th.

COUNTY LEGISLATOR:

Mr. Sakonyi reported:

- Legislature approved funding for the electronic monitoring program in the amount of \$16,500. This amount will allow for on-call coverage, holiday pay and call time along with a smart phone with a data package so that officers can receive the monitoring alert.
- County awarded \$836,009 for E-911 telephone system upgrade project.
- Hazard Abatement Board notified the legislature that the Safety & Health training project will be awarded \$20,840 to help cover the Solid Waste Department training requirements.
- Approved the transfer of \$2,948,060 for the cost of asphalt and road materials. The highway department anticipates \$3,248,060 in CHIPS funding for road improvements.
- \$10,943 unspent Homeland Security funds were used to purchase a 5,000 person vaccination workstation and hygiene kits. This workstation becomes mobile in minutes and would help meet the needs in a public health emergency.
- Approved the Camp Zerbe lodge repair and abatement project at a cost of \$468,985. The county received \$349,419 from NYS Office of Parks, Recreation and Historic Preservation and a \$50,000 grant from the Shineman Foundation.
- Oswego County Fair is July 3rd - 7th, with Thursday, July 4th being North Shore/Central Township Day which includes Constantia.

Mr. Colesante thanked Mr. Sakonyi for getting the Oswego County Recreation Trail information back to him. This resolution is dated October 13, 2011 which allows ATV's to use the section of the trail east of Toad Harbor Road to the County Line. Mr. Colesante would like to know why this was allowed to happen it includes all of Constantia and a small part of West Monroe. Mr. Sakonyi will look into this resolution.

MINUTES:

There needs to be a change in the May 21st meeting minutes, Mr. Bader was in attendance, he needs to be added. Mr. Moran made the motion to accept the minutes of the May 21, 2013 town board meeting, with the above mentioned change, seconded by Mr. Metzger.

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

VOUCHERS:

Mr. Moran made the motion to accept the following vouchers as listed on Abstract #6, Dated June 18, 2013:

General Fund	156-190	\$20,959.83
Highway Fund	100-112	\$18,908.85
Northshore Water District	14	\$ 358.75

Seconded by Mr. Colesante.

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

SUPERVISOR:

Ms. Butler is working on the changes that were suggested by Mr. Moran to the Supervisor's report.

Mr. Moran made the motion to accept the Supervisor's report for April, seconded by Mr. Colesante.

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

HIGHWAY:

Stumps have been pulled on Grannis Rd to town line, working on Dutcherville Rd. next. Once the field days are over they will start working on Redfield St. They will be grinding the pavement and replacing culverts. Mr. Woolridge is trying to get permission to do a road cut across State Route 49 to replace and put in a new culvert. They have started mowing and crushing stone. Mr. Woolridge has been having computer problems, they have been fixed, he will get an updated report to Mr. Baxter.

Mr. Moran made the motion to accept the Highway Superintendent's report, seconded by Mr. Metzger.

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

TOWN CLERK:

Letter received from Fred Beardsley, County Treasurer certifying that all moneys directed to be paid by the warrant from the County Legislature for the levy of 2013 is fully paid and satisfied. All members should have received the updated 2013 Emergency Telephone List as part of the town of Constantia Emergency Management Plan. Mr. Metzger made the motion to accept the Town Clerk's report, seconded by Mr. Moran.

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

ASSESSOR:

Grievance Day was May 29, 2013. We had a total of 21 filed grievances that the Board of Assessment Review heard as follows:

- 4 Changes to Assessed Value
- 14 No Change to Assessed Value
- 3 Denials for Exemptions

There were also 4 properties that were settled via stipulation, and 7 corrections.

All property owners have been notified of the Board of Assessment Review decisions, and anyone seeking further remedy, will need to file the Small Claims paper work by July 31, 2013.

The final roll will be filed on July 1, 2013, and our equalization rate will once again be 100%.

I have a New York State Assessor's Association Executive Board Meeting on July 13th & 14th, and will be attending the Summer Seminar on Appraising at Cornell from July 15 – 19, 2013, and therefore will be out of the office; but as always, I can be reached via email at wjwheeler@nyassessor.com. Should you have any further questions, do not hesitate to ask.

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

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

CODE ENFORCEMENT:

Mr. Moran made the motion to accept the Code Officer's report, seconded by Mr. Colesante.

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

DOG CONTROL:

Ms. Ashley is in court tonight, so she could not be in attendance. The kennels for the town have been moved, they have been inspected by NYS Aquiculture and Markets and received a satisfactory rating. A new kennel agreement needs to be approved by the board, it is the same agreement as approved in January, but with an address change. The new address is 171 Shanty Creek Rd, Central Square. Mr. Metzger asked what effect this will have on mileage for dog control. Mr. Gilkey responded that Ms. Ashley has been told that mileage will start at the town line for dog control calls. Mr. Moran asked if she was still the Dog Control Officer for the town of West Monroe, yes she is.

Mr. Colesante made the motion to approve the new kennel agreement with the address change, seconded by Mr. Metzger. *full copy of signed agreement will be at end of this document.

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

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

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

PLANNING BOARD:

Minutes from April 23rd received. They are working on the survey that will be sent to town residents.

Mr. Moran asked if they have any questions on the survey about sewers, Mr. Gilkey responded yes.

BOARD OF APPEALS:

Nothing to report.

JUSTICE:

Mr. Moran made the motion to accept Justice Pelon's and Justice Simpson's report for May, seconded by Mr. Colesante.

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

PUBLIC COMMENT:

Mr. Kelsey commented on the ATV question. Mr. Colesante might want to talk to the owner from Two Guy's from Italy along with Mr. Cronk who he believes was president of the ATV club when that happened. Two Guy's from Italy is too far west for them to be included in the in the ATV approved trail section. Mr. Colesante asked if the machines have to be registered, they have to be to be on the trail. Some machines can't be registered. The biggest problem is enforcement.

TUG HILL COMMISSION:

Mr. Baxter:

- Website is up to date
- June 27, 2013 there is a Consolidated Funding Workshop at Cazenovia College
- Attended meeting last week - hand out given on how Constantia is handling fiscal stress. The town's score is 15.8% which gives the town, "no designations". This percentage is low enough that the state does not consider the town under stress.
- With budget meetings just around the corner, Mr. Baxter will be getting the town comparison worksheet together. This should hopefully be done for the August meeting.

BOARD COMMENT:

-April and May Cleveland Volunteer Fire Company report has been received

-FEMA letter for town as the repository for the new data. The town must make notification to the residents on the list, Mr. Illingworth will be mailing the letter.

-As required by the County Mitigation Plan, Mr. Gilkey has contacted Mr. Whitney Chief of Constantia, Mr. Avery Chief of Cleveland and Mrs. LaVigne from North Shore Ambulance Corp. to set some meeting dates. They will meet once a month for 3 months to satisfy the requirement in the plan.

-Uniform Notice of Claim - Resolution

Upon motion of **Councilman Colesante**, seconded by **Councilman Moran**, the following motion was made:

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, the Town of Constantia must file such certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law §53 took effect; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Constantia, County of Oswego designates the Town Clerk of the Town of Constantia to receive notices of claims served upon the Secretary of State by mail at the Town Hall of the Town of Constantia at 14 Frederick Street, P.O. Box 222 Constantia, New York 13044; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file on or before July 14, 2013, the required certificate with the New York State Secretary of State designating the Secretary of State as the Town's agent for service of a notice of claim and designating the Town Clerk as the public officer of the Town responsible for receiving notices of claim served upon the Secretary of State and informing him of the applicable time limitation for filing a notice of claim with the Town.

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

Richard Colesante	Councilman	Voted	Yes
John Metzger	Councilman	Voted	Yes
Tom Moran	Councilman	Voted	Yes
Frank Tomaino	Councilman	Absent	
Chuck Gilkey	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: June 18, 2013

-Inter municipal Agreement with West Monroe on the purchase of a trailer has been given to West Monroe for approval.

-Time Warner Contract - new contract received with the franchise fee put back that way it was in the original contract. Mr. Metzger made the motion to authorize Mr. Gilkey to sign the new contract dated May 29, 2013, seconded by Mr. Moran. A full copy of signed contract is on file in the Town Clerk's office.

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

-July 16, 2013 - Public Hearing on the changes that have been made to the Land Development Law. Mr. Colesante would like to see a news article in the Citizen Outlet along with the legal notice.

-One bid was received from William Krause for purchase and installation of new tile and rugs at the town hall. Mr. Colesante made the motion to accept the bid for \$3,951.10 from William Krause, seconded by Mr. Metzger.

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

Mr. Colesante asked Mr. Bader if the town of Constantia could have home rule legislation over Oswego County in regards to the passed ATV Resolution. Why were we included when the town was not notified or asked about this authorization? These vehicles have done tremendous damage, he would like to consider home rule. Mr. Bader will review and call the County's Attorney, Mr. Mitchell.

ADJOURN:

At 9:05 pm Mr. Metzger made the motion to adjourn, seconded by Mr. Moran.

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