

TOWN OF CONSTANTIA  
**MINUTES - TOWN BOARD-April 15, 2014**  
7:30 pm Constantia Town Hall

Present: Charles Gilkey – Supervisor  
John Metzger, Thomas Moran – Council Members  
Clare Haynes – Town Clerk  
Others Present: Wayne Woolridge - Highway Superintendent  
Warren Bader - Town Attorney  
Absent: Richard Colesante, Chad Whitney – Council Members

**CALL TO ORDER:**

At 7:30 pm Mr. Gilkey called the town board meeting to order with the pledge of allegiance.

**PUBLIC COMMENT:**

Mr. Dan Lewis wondered why no mattress or furniture items are included on the list for the town cleanup in May. Mr. Woolridge stated that it would take too long and be too costly to open the list up for anything the residents wanted to get rid of. If the board wanted him to do this, it would have to be discussed at budget time.

Mr. Lewis then asked if residents can burn brush in the town, NYS has a burn ban until May 15th so no outdoor burning is allowed.

**WATER/SEWER:**

Bernhard's Bay Water District/Phase 2 of North Shore Water System

- Representatives from the Town and Village met on March 25<sup>th</sup> to discuss the joint water project. The Town of Constantia sent a letter to the Village on March 26, 2014 outlining key provisions of a Memorandum of Understanding for the joint water project as discussed at the meeting. The Village sent attached letter dated April 10, 2014 in response.
- B&L has prepared a letter proposal for engineering services related to district formation and project development assistance. This will allow us to start some of the low cost, long lead time items required for the Town to be eligible for federal fiscal year 2015 funding.

Constantia & Toad Harbor Water Districts

- LaFleur Constructors (Contract No. 4A) has resolved lien issue with Welch Construction & Colonial Surety. The Town can release previously approved \$4,800.00, which was held at direction of Colonial Surety. B&L will send a recommendation for final payment to the Town once all closeout paperwork has been received from LaFleur.

There is a resolution that needs to be addressed concerning the \$50,000 grant from Patti Richie, as follows:

COUNCILMAN: **Moran**

Introduced the following and moved its adoption:

**DETERMINATION THAT THE SAM GRANT FOR CREATION OF THE BERNHARDS BAY WATER DISTRICT IS A TYPE II ACTION UNDER SEQR AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT**

**WHEREAS**, the Town has been notified of the award of a \$50,000 State and Municipal Facilities Program (SAM) Grant administered by Dormitory Authority State of New York (DASNY) for creating the Bernhards Bay Water District (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**, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town hereby determines that the SAM Grant for creation of the Bernhards Bay Water District is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18) and (21) which constitutes an engineering study and is therefore not subject to review under 6 NYCRR Part 617.

Seconded by Councilman: **Metzger**

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

Charles Gilkey, Supervisor	Voted	Yes
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Richard Colesante	Absent	
John Metzger	Voted	Yes
Tom Moran	Voted	Yes
Chad Whitney	Absent	

Also needed is a State Environmental Quality Review Type II Action Determination (SEQR) which will need to be signed by the Town Supervisor. Mr. Metzger made the motion to authorize Mr. Gilkey to sign the SEQR in relation to the Grant from State and Municipal Facilities Program (SAM) for the Bernhard's Bay Water District, seconded by Mr. Moran. (Signed copy at the end of these minutes.)

Carried: Moran – Yes Metzger - Yes Gilkey - Yes

Mr. Gilkey would like to entertain the letter dated March 18th from Barton & Loguidice this is the Engineering Service Proposal for District Formation and project Development Assistance. This letter was first discussed at the March Town Board meeting but board members wanted to wait until further discussion and information from the Cleveland Village board. A letter was received from the Mayor of the village in favor of the proposed water district. (copy of letter on file at the Town Clerk's Office) The proposal is as follows:

Re: Proposed Bernhards Bay Water District

Subj: Engineering Service Proposal for District Formation and Project Development Assistance

As you are aware, the Drinking Water State Revolving Fund (DWSRF) priority point score for the joint project with the Village of Cleveland has increased from 115 points on the 2014 Intended Use Plan (IUP) to 150 points based on the arsenic violation at Winns Trailer Park and written commitment of funding from Dormitory Authority State of New York (DASNY). The funding line on the 2014 IUP was 130 points.

As discussed previously, the \$50,000 grant from DASNY can be used to take care of the low cost, long lead time items required for the Town to be eligible for federal fiscal year 2015 funding.

### Scope of Services

Based on the above, we propose the following Score of Services to assist the Town with District Formation and Project Development Assistance.

1. Attend Workshop Meeting No. 1 with the Town to review the proposed district boundary in the July 2011 Map, Plan and Report (MPR), status of petition and interest survey results. Discuss revisions to the proposed district boundary, district formation alternatives (i.e., Article 12 vs. 12A), steps to proceed, schedule, etc.
2. A negative declaration was previously adopted by the Town Board as lead agency for the Bernhards Bay Water District and OCWA Interconnect; however, since that time the scope of the project has changed and the NYSDEC has issued new State Environmental Quality Review Act (SEQRA) Environmental Assessment Forms (EAFs) and associated tools (workbook and EAF mapper). Prepare new full EAF for the formation of the proposed water district and construction of the proposed facilities including improvements to the Village of Cleveland Water System and any modifications to the proposed Town Water District agreed upon at Workshop Meeting No. 1. Prepare a Notice of Intent to be Lead Agency and assist the Town in conducting a coordinated review.
3. Revise the July 2011 MPR in accordance with Article 12 or Article 12A of Town Law for the formation of the Bernhards Bay water district. Revise the boundary map and legal boundary description (based on tax map parcel) based on feedback received at Workshop Meeting No. 1. The MPR will include the maximum amount to be expended by the district, estimated district charge based on proposed financing and intermunicipal cost sharing, and water purchase costs. Submit ten (10) copies of the MPR to the Town for their use.
4. Attend one (1) Public Information Meeting and one (1) Public Hearing for the proposed district formation.
5. The New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) has determined that a Phase 1 cultural resources investigation will be necessary along the pipeline alignments to document potential impacts to cultural resources. B&L will solicit quotes and subcontract a qualified archaeologist for a Phase 1A Archaeological Survey. *A fee allowance of \$4,000 has been estimated for the Phase 1A Archaeological Survey.*
6. Prepare and submit the Preliminary/Final Notice of Intent to the New York State Department of Agriculture and Market and the Oswego County Farmland Protection Board in accordance with Part 371 of the Agriculture and Markets Law. The Preliminary/Final Notice of Intent will provide a detailed project description and detailed agricultural impact statement outlining potential short- and long-term agricultural impacts and mitigative measures to be implemented. Provide administrative and coordination services for Notice filing, including preparation of a Final Certification to be signed by the Town Supervisor stating that the requirements of Article 25 AA, Section 305.4 of the Agricultural District Law have been fulfilled.
7. Assist the Town with preparing the framework on which the intermunicipal agreements with the Village of Cleveland and OCWA will be based. A total of 40 hours, including two (2) joint meetings have been assumed for this task.

8. Submit a DWSRF hardship application on the Town's behalf. It is noted that the hardship application would be due no later than December 1, 2014 for the Town to be eligible for federal fiscal year 2015 funding.

9. Assist the Town in preparing a Drinking Water State Revolving Fund (DWSRF) application for obtaining short- and long-term financing under the Environmental Facilities Corporation Revolving Loan Fund Program. Section 1 through 11 of the Application Form for the New York State DWSRF will be completed for submission to the Environmental Facilities Corporation. The Town's assistance will be required for compiling information under the Application, including, but not limited to, Refinancing Information (Section 4) and Financial Background Information (Section 11). A total of five (5) copies of the completed application package will be prepared and distributed to the EFC (three (3) copies), Town and B&L.

10. Assist the Town and its attorney with DASNY funding assistance, correspondence, and teleconferences. A total of twenty (20) hours has been allocated to this task.

Additional services will be required to complete the project, which are not part of this proposal. Tasks specifically not included are as follows:

- Phase IB Archaeological Survey (if required);
- Environmental field work;
- Environmental impact statement or environmental study beyond that specifically indicated;
- Topographic survey;
- Subsurface investigations; and
- Design, bid, permitting and construction related services.

**Engineering Fee - Amendment No. 1**

Subcontracted Services for archaeological, as described above, shall be billed at actual cost plus 10% with a maximum not-to-exceed Four Thousand Dollars (\$4,000.00). Billing shall be monthly based on actual invoices received for subcontracted services.

The fee for the above-listed District Formation and Project Development Assistance shall be a lump sum amount of Thirty Eight Thousand Five Hundred (\$38,500). Invoices would be monthly in proportion to the percent scope completed as of the date of the invoice. Services beyond those outlined above would be considered an additional service, and would not be completed without prior Town Board authorization.

This proposal is spending the grant money, paperwork is the only thing left to do for grant to go thru.

Mr. Moran asked if we change the boundaries will new survey will have to be done. Yes, if he map plan report is changed then a new survey will need to be done. Mr. Gilkey answered that is why the board will try to encompass some areas, but not an easy solution.

Mr. Moran made the motion to authorize Mr. Gilkey to sign the Engineering Service proposal for District Formation and Project Development Assistance from Barton & Loguidice dated March 18, 2014, seconded by Mr. Metzger.

Carried: Moran – Yes Metzger - Yes Gilkey - Yes

**COUNTY LEGISLATOR:**

Mr. Reehil reported:

-Assigned to the Oswego County Tourism Advisory Council and attended his first meeting April 15.

-The Oswego County Legislature and Senator Patty Ritchie's Office are sponsoring two tire amnesty events on May 17 and June 14. County residents can turn in up to 8 tires at any of the County Transfer Stations from 8AM to Noon on those two days.

- Household Hazardous Waste will be accepted at the Bristol Hill Landfill 3125 State Route 3, Volney on Wednesdays and Saturdays from May 3 to Sept. 24. Call the Solid Waste Office 591-9200 for further information.

-Earth Week in the County will be held April 25 through May 4. Any groups that participate can apply for a prize drawing of gift certificates. Apply at <http://oswegocounty.com/earthweek.html>.

-Veteran's Hall of Fame applications are due by April 21 at Senator Patty Richie's office.

-The county will be placing an electronic touch screen kiosk at rest stops on Rt. 81. To be included business, municipal and not for profit entities should contact Oswego County Promotion & Tourism 46 East Bridge Street Oswego, NY 13126 Phone: 315-349-8322.

Mr. Reehil is working with concerned residents on a strategy to convince the Central Square School District to reconsider closing the Cleveland School or any other community schools and will keep the town board up to date with information.

**MINUTES:**

Mr. Moran made the motion to accept the minutes of the March 18th town board meeting, seconded by Mr. Metzger.

Motion Denied: Moran – Yes Metzger - Yes Gilkey - No

Mr. Metzger made the motion to accept the minutes of the March 26th special meeting, seconded by Mr. Moran.

Carried: Moran – Yes Metzger - Yes Gilkey - Yes

**VOUCHERS:**

Mr. Metzger made the motion to accept the following vouchers as listed on Abstract #4, Dated April 15, 2014:

General Fund	109-141	\$ 40,009.87
Highway Fund	50-70	\$ 40,539.19

Seconded by Mr. Moran.

Carried: Moran – Yes Metzger - Yes Gilkey – Yes

**SUPERVISOR:**

Mr. Moran requested to Mr. Gilkey that if possible could Ms. Butler get the Supervisor's report to the Council Members earlier than the day of the meeting, it hard to review before having to approve it. Mr. Gilkey will follow up with Ms. Butler. Mr. Moran made the motion to accept the Supervisor's report as presented dated March 31, 2014, seconded by Mr. Metzger.

Carried: Moran – Yes Metzger - Yes Gilkey – Yes

**HIGHWAY:**

Mr. Woolridge reported that they have been sweeping roads with both the sweepers and the dirt roads have been graded. Currently changing over the trucks for summer use, still have 3 trucks with plows just in case they are needed. When going over the sanders there are two that need work, one will have to be replaced before winter. The other one will be rebuilt, the sides are good so worth the effort to repair. Continue to haul stone in preparation of oil and stone treatment of some roads this year. Potholes are being filled.

Mr. Gilkey asked if we sell culvert pipe to individuals. Mr. Woolridge said if the highway department is going to install, then yes, he can justify the sale. But just for personal use, no not a good idea.

Two vouchers on the abstract one for tractor and one for tank, Mr. Gilkey asked if we got other quotes. On the tractor, yes 3 quotes, but not on the tank, it is used and a good price. Mr. Gilkey asked if the 3 quotes for the tractor could please be put with the voucher and write a justification for the tank to be put with the voucher. Mr. Woolridge agreed.

Mr. Gilkey asked if Mr. Woolridge has gotten the permit for the roof from the Code Enforcement Officer. Mr. Woolridge said that Mr. Illingworth was waiting for something from Barton & Loguidice, Mr. Woolridge told him that what B & L gave us was just a suggested plan. Mr. Gilkey asked if any structural work was done, Mr. Woolridge said he will be putting in the lateral 2x4 later when the weather is not good, right now just working on getting the steel installed about 1/4 on one side is completed. When doing that one side he has only had to scab one perlin all other boards are sound. As it goes to safety issues Mr. Woolridge is responsible for that, he does supply the workers with harnesses suits and respirators. Mr. Gilkey was there and did not see any harnesses or any certification on the scissor lift, Mr. Woolridge responded that the harnesses were on the lift, they were using them along with a rope and the scissor lift. He is doing everything safe. Mr. Gilkey asked the town board members if they would consider a motion releasing the Code Enforcement Officer from issuing a permit for the highway garage. Mr. Metzger will not entertain this at this time, with only three members present the issue was not put to motion.

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

Carried: Moran – Yes Metzger - Yes Gilkey – Yes

**TOWN CLERK:**

Mrs. Haynes reported that the total receipts and disbursements for the month of March were \$2,133.00. Tax collection is complete. On April 9, 2014 Mrs. Haynes turned over \$404,647,58 to the County and \$10,711.85 to the Town Supervisor. Mr. Moran made the motion to accept the Town Clerk's report as presented, seconded by Mr. Metzger.

Carried: Moran – Yes Metzger - Yes Gilkey – Yes

**ASSESSOR:**

May 6th at 6:30pm will be the Board of Assessment Review class, and May 28th is the scheduled date for the town's grievance day.

**CODE ENFORCEMENT:**

Mr. Metzger made the motion to accept the Code Officer's report as presented with total receipts for the month of March in the amount of \$558.00, seconded by Mr. Moran.

Carried: Moran – Yes Metzger - Yes Gilkey – Yes

Mr. Gilkey asked the board to review their paperwork for the Land Development Law change to Article 2 Accessory Buildings for discussion at next meeting.

**DOG CONTROL:**

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

Carried: Moran – Yes Metzger - Yes Gilkey – Yes

**PLANNING BOARD:**

March 25th planning board meeting minutes reviewed. Hildreth/Viau 2 Lot Subdivison - Approved.

April 22nd will be a public hearing-Spruce Grove Marina-site plan review.

**BOARD OF APPEALS:**

No report.

**JUSTICE:**

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

Carried: Moran – Yes Metzger - Yes Gilkey – Yes

**AUDITS:**

Mr. Metzger and Mr. Moran have finished Judge Pelon's audit for 2013, copies will be given to the board tomorrow.

**PUBLIC COMMENT:**

Ms. Tackman a village trustee told the board that they would like to have quarterly meetings between the town and village to discuss items important to both. Ms. Tackman indicated the village would send a letter for the request, it was suggested that only a few members from both boards attend so there will be no need for a clerk to keep minutes.

Mr. Charles Ferry suggested to the board that the town discuss with the school board the option to utilize the Cleveland Elementary for a public library or a community center. Mr. Gilkey asked him to submit his suggestion in writing.

**TUG HILL COMMISSION:**

Mr. Baxter reported:

- Presented NYCOM report on the adopted 2014-2015 State Budget
- Announced state will be awarding town \$16,496.90 in winter storm damage aid to be used in repairing and improving infrastructure to complement core construction programs and to prepare longer lasting roadway surfaces and overlay projects. This is the fourth largest town award in the County after Mexico, Richland and Volney.
- Will be scheduling NorCOG meeting late April or early May
- Asked about status of remaining surveys to Watertown
- Thanks to everyone who attended the local government conference our second largest ever. We always welcome topics for the conference or for training sessions. We'll likely be doing a red flags for fraud workshop in conjunction with the state comptroller's office.

**BOARD COMMENT:**

Last month Mr. Chuck Williams, Planning Board Chair gave the board a letter about a permit for wind/solar power, please review for next month.

On Friday April 11th Mr. Gilkey and Mr. Bader attended a meeting with the DEC about the dam on Tannery Road. Mr. Sulzar and Mr. Lynch were there for the DEC. The state has put in their budget money to correct small dams and Tannery Road is on the list. They have proposed to rebuild the dam and asked the town for some information. There are seven residences on the pond property and three live downstream. Right now the engineering is about 60% complete, there are two options one to remove it all together or the second option is to completely repair the dam. If they are to repair the dam it would then be turned over to the town for operation and maintenance. There are a lot of unanswered questions as it pertains to the operation and maintenance, Barton & Loguidice will review the plans to give the town some indication as to how much this will cost yearly. Mr. Woolridge indicated that the state does their own inspections on all culverts and dams so not sure what the town would be responsible for. The money for repairs is in this year's budget so they should be starting by the fall. Once the engineer's drawings are completed the town will be able to get a better handle on what will be happening.

**ADJOURN:**

At 9:13 pm Mr. Moran made the motion to adjourn, seconded by Mr. Metzger.

Carried: Moran - Yes Metzger - Yes Gilkey - Yes