

TOWN OF CONSTANTIA  
**MINUTES - TOWN BOARD-December 15, 2015**  
7:30 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor  
Richard Colesante, Thomas Moran, Chad Whitney – Council Members  
Clare Haynes – Town Clerk  
Others Present: Wayne Woolridge - Highway Superintendent  
Warren Bader - Town Attorney  
Paul Baxter - Tug Hill Commission  
Absent: John Metzger – Council Member

**CALL TO ORDER:**

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

**PUBLIC COMMENT:**

Mr. and Mrs. Michael Bolen – 618 County Route 17 were in to present to the board a petition for a speed limit reduction to 35 mph in the area of the intersections of County Route 17, Dutcherville Rd and Roosevelt Rd. The petition was 2 pages and contained 32 names. In the area canvassed, only 2 residents would not sign the petition. Mr. Mosley did receive a letter from Mr. James Edick Transportation Supervisor for the Central Square School District, Mr. Edick shares some of the same concerns as the residents in the area. A copy of the letter was given to the board members the letter proposes a reduction to 45 mph. Mr. Woolridge has spoken to Mr. Edick and Mr. Bolen, the process in getting a speed reduction starts with the town board. The board needs to approve a speed limit reduction form, the approved form is sent to Kurt Oshelt, Superintendent of Highways for Oswego County. Mr. Oshelt will forward the form to New York State Department of Transportation, NYSDOT will do a study and will make the final determination as to the appropriate speed limit for that area of roadway. Mr. Colesante after reviewing the petition and reviewing the letter from Central Square School District made the motion to support sending the speed reduction request, seconded by Mr. Moran.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley – Yes

**WATER:**

**FINAL ORDER ESTABLISHING TOWN OF CONSTANTIA BERNHARDS BAY WATER DISTRICT**

WHEREAS, the Town Board has been asked to consider the extension of public water to areas within the Town of Constantia, known as the Bernhards Bay Water District, pursuant to Article 12-A of the Town Law of the State of New York; and

WHEREAS, the Town Board of the Town of Constantia directed Barton & Loguidice, D.P.C., to prepare a Map, Plan and Report to consider all aspects of the proposed water district; and

WHEREAS, said Map, Plan and Report was duly filed with the Town Clerk for the Town of Constantia on the 18<sup>th</sup> day of August, 2015; and

WHEREAS, at a meeting of the Town Board for the Town of Constantia on the 18<sup>th</sup> day of August, 2015, the Town Board reviewed the Map, Plan and Report and directed the Town Clerk to publish an Order and Resolution/Notice of Public Hearing scheduling a public hearing on the proposed water district for the 15<sup>th</sup> day of September, 2015 at 6:30 p.m. at the Constantia Town Hall, 14 Frederick Street, Constantia, New York 13044, and to publish notice of same in the official newspaper for the Town all pursuant to Article 12-A, Section 209-d of the Town Law of the State of New York; and

WHEREAS, the Notice of the Public Hearing was published in the official newspaper of the Town, The Citizen Outlet, and posted on the Town bulletin board pursuant to Section 209-d of the Town Law of the State of New York; and

WHEREAS, said public hearing having been held on September 15<sup>th</sup>, 2015 at 6:30 p.m., after notice, with all interested persons having been heard on the proposed district; and

WHEREAS, the Town Board following the public hearing, had a full discussion pertaining to the proposed Bernhards Bay Water District, has heard the public comments, and has discussed same with the engineers, Barton & Loguidice, D.P.C.; and

WHEREAS, on October 20<sup>th</sup>, 2015 the Town Board adopted a Resolution which established the Bernhards Bay Water District, and said Resolution was adopted pursuant to Permissive Referendum; and

WHEREAS, the period of time for the submission and filing of a petition against said Resolution and requesting that it be submitted to the qualified electors for a permissive referendum has elapsed without such petition being submitted and filed,

NOW ON MOTION made by Councilman Colesante and seconded by Councilman Moran, BE IT RESOLVED as follows:

1. The above described Bernhards Bay Water District in the Town of Constantia is hereby created, to be bounded and described as set forth in Schedule A hereto.

2. The water district shall be known as “**TOWN OF CONSTANTIA BERNHARDS BAY WATER DISTRICT.**”

3. That all of the property and property owners benefitted are included within the limits of the proposed water district;

4. The construction of improvements related to said water district, substantially in accordance with a map, plan and report filed in the office of the Town Clerk, are hereby approved and upon the approval thereof by the Oswego County Department of Health and the issuance of a permit by the New York State Department of Environmental Conservation (if either is so required), all improvements shall be accepted for dedication.

5. The Town Clerk is hereby authorized and directed to cause a certified copy of this Final Order to be duly recorded in the office of the Clerk of Oswego County, New York, within ten (10) days after the adoption of this Resolution by the Town Board and to file a certified copy thereof within that time in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-g of the Town Law. When so recorded, such order shall be presumptive evidence of the regularity of the proceedings instituted for the creation of said Bernhards Bay Water District and to all other action taken by said Town Board in relation thereto.

6. This Final Order shall take effect immediately.

Supervisor Mosley:	Voted	Yes
Councilman Colesante:	Voted	Yes
Councilman Metzger:	Absent	
Councilman Moran:	Voted	Yes
Councilman Whitney:	Voted	Yes

**SEWER:**

Mr. Parker will be emailing the information needed to get reimbursement from the sewer grant.

**MINUTES:**

Mr. Moran made the motion to accept the minutes of the November 5<sup>th</sup> public hearing, November 9<sup>th</sup> water meeting, November 17<sup>th</sup> public hearing and the November 17<sup>th</sup> town board meeting, Seconded by Mr. Whitney.  
Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**VOUCHERS:**

Mr. Colesante made the motion to accept the following vouchers as listed on Abstract #12, Dated December 15, 2015:

General Fund	390-434	\$ 20,240.96
Highway Fund	213-232	\$ 17,914.83

Seconded by Mr. Moran.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**BUDGET TRANSFERS:**

Mr. Moran made the motion approve general budget transfer #1 dated December 15, 2015,

<u>Over Budget Accounts:</u>	<u>Amounts over:</u>
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A1310.5 Payroll Service C.E.	\$ 89.25
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A1620.4 Bldg & Grounds C.E.	\$143.30
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A7510.4 Historian	<u>\$ 96.11</u>
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Total Over:	\$328.66
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<u>Funds to cover over budget accounts:</u>	
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A1990.4 Contingency Balance	\$ 45,577.00
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	<u>\$ -328.66</u>
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Balance of Contingency:	\$ 45,248.34
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Seconded by Mr. Whitney.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**SUPERVISOR:**

Mr. Whitney made the motion to approve the Supervisor's report dated November 30, 2015, seconded by Mr. Moran.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**HIGHWAY:**

Mr. Woolridge reported:

- New truck is in and has been fully outfitted
- Cutting trees and trimming
- Cold patching
- Screening sand with West Monroe
- Graded dirt roads

Mr. Moran made the motion to accept the Highway Superintendent report, seconded by Mr. Colesante.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**TOWN CLERK/TAX COLLECTOR:**

Mrs. Haynes reported that the total receipts and disbursements for the month of November were \$1,704.00. Mr. Moran made the motion to accept the Town Clerk's report as presented, seconded by Mr. Whitney.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**ASSESSOR:**

Our office has been relatively quiet during the month of December, and this is nothing unusual. Once the tax bills go out at the end of the month, we begin to have increased traffic into our office with questions regarding taxes, as well as those property owners filing their exemption renewals before the March 1, 2016 deadline.

In January, we will mail out the last of our renewal notices; disability and agricultural renewals will be sent out by the middle of January.

I have had some informal conversations with people from Department of Taxation and Finance, and the preliminary numbers as respect to market data seem to be favorable. More information will become available after our formal meeting with DTF, which is tentatively scheduled for the month of January.

I would once again like to take this opportunity to wish everyone and their families a wonderful holiday season and happy new year.

Should you have any further questions, do not hesitate to ask.

Mr. Moran made the motion to accept the Assessor's report as read, seconded by Mr. Whitney.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**CODE ENFORCEMENT:**

Mr. Hall has given the board a proposed rate change to be considered for the organizational meeting in January. Mr. Colesante requested a copy of the current rate schedule to compare.

Discussion turned to Mr. Gordon Hall and his property, Mr. Gordon Hall could not be at the meeting tonight because of his work schedule, but did send in an email by the required date explaining what has been done. Mr. Mosley and Mr. Wayne Hall has seen improvement. After discussion it was agreed that the original public hearing will be adjourned again until January 19<sup>th</sup> town board meeting, Mr. Wayne Hall will contact Mr. Gordon Hall to have him return to the town board at this time. The board members are concerned with how long it will take him to make the improvements.

**Mr. Bader read the following resolution:**

**TOWN OF CONSTANTIA  
TOWN BOARD RESOLUTION  
December 15, 2015**

The following resolution was offered by Councilman Whitney, who moved its adoption, seconded by Councilman Colesante, 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 1540-44 State Route 49, Constantia, New York are dangerous and unsafe; and

**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 October 20, 2015; 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 has broken, missing and boarded up 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 roof appears to be sagging; 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 or demolished; and

**WHEREAS**, after consideration of the Building Inspector's report, the Town of Constantia Town Board determined that the premises at 1540-44 State Route 49, Constantia, 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 1540-44 State Route 49, Constantia, 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 January 19, 2016 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 1540-44 State Route 49, Constantia, 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:

<b>Chad Whitney</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Tom Moran</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Richard Colesante</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John Metzger</b>	<b>Councilor</b>	<b>Absent</b>	
<b>Hon. Ken Mosley</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

Mr. Colesante made the motion to accept the Code Officer's report as presented with total receipts for the month of November in the amount of \$767.00, seconded by Mr. Whitney.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**JUSTICE:**

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

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**DOG CONTROL:**

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

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley – Yes

**PLANNING BOARD:**

Nothing to report

**BOARD OF APPEALS:**

At the November town board meeting it was requested that Mr. Bader look to see if the planning board chair can also hold a seat on the board of appeals. Mr. Bader has responded that a person cannot hold a seat on both the planning board and the board of appeals at the same time. This leaves an opening on the board of appeals, Mrs. Haynes will advertise for the vacant positions on all boards.

**CORRESPONDENCE:**

- Report received from Northshore Volunteer Ambulance
- Mr. Peter Roberts and Mr. Clayton Conover III gave letters of interest in the Dog Control Officer position. Mr. Mosley had told Ms. Ashley of the letters, he told her she must start writing more tickets.

**TUG HILL COMMISSION:**

Paul Baxter reported:

- Tug Hill Commission meeting yesterday, Commission voted to recommend acting executive director be hired as executive director.
- Next commission meeting set for 10am Monday, January 25<sup>th</sup> in Central Square.
- Tug Hill Local Government Conference, Thursday March 31<sup>st</sup> at Jefferson Community College, Watertown LGC brochure to be mailed out early 2016.
- Delivered additional copies of Oswego County Winter/Spring Events brochure.
- Attended the Oswego County Health and Poverty Reduction task force meeting last week and signed up for info on further development on economic development.
- NorCOG meeting to be scheduled early 2016.
- State economic development grant announcement made last Thursday – grant of \$400,000 made for Cleveland Village dock.

**BOARD INITIATIVES AND COMMENT:**

- End of year meeting December 29<sup>th</sup> at 7pm
- Organizational meeting January 5<sup>th</sup> at 7pm
- The town hall has been having trouble with their phones and internet, Mr. Mosley has gotten a quote from Time Warner Cable, must sign a four year contract, the contract has significant savings for the town. Mr. Bader has reviewed the contract. Mr. Colesante made the motion to authorize Supervisor Mosley to sign the contract with Time Warner Cable, seconded by Mr. Whitney.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes

**ADJOURN:**

At 8:48 pm Mr. Moran made the motion to adjourn, seconded by Mr. Colesante.

Carried: Moran – Yes Whitney – Yes Colesante – Yes Mosley - Yes