

TOWN OF CONSTANTIA  
**MINUTES - TOWN BOARD-May 17, 2016**  
7:30 pm Constantia Town Hall

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

Others Present: Eric Pond – Barton & Loguidice P.C.  
Paul Baxter – Tug Hill Commission  
Roy Reehil – County Legislator

**CALL TO ORDER:**

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

**PUBLIC COMMENT:**

None

**CODE ENFORCEMENT:**

Mr. Gordon Hall is here tonight at the request of the board. Because there has not been significant improvement on the properties that Mr. Gordon Hall owns Mr. Wayne Hall Code Enforcement Officer is issuing him citations for the violations on Mr. Gordon Hall's properties. Mr. Mosley told Mr. Gordon Hall he recognizes his efforts but it is just not enough and town needs to proceed forward.

Mr. Wayne Hall gave the board a letter with a proposal to switch from his current software Business Automation System to Williamson Law for 2016. There will be an initial cost savings of \$1,010.00 and a yearly cost savings of \$690.00. Mr. Metzger made the motion to authorize the purchase of Williamson Law to replace Business Automation System software, at a cost of no more than \$3,350.00, seconded by Mr. Whitney.

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

Mr. Metzger requested that Mr. Wayne Hall start working on unregistered vehicles, there are enough houses that he is dealing with at the present time. Mr. Metzger and the board would like to meet with Mr. Hall to set some guidelines as to how to proceed.

Mr. Hall did not have a printed report with him, Mr. Metzger requested he put his financial report for April in the board members mailbox for review. Mr. Metzger made the motion to accept the Code Officer's report as given, seconded by Mr. Moran.

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

**WATER:**

Mr. Pond brought with him the following bond resolution, this resolution needs to be approved to be included with the new application for grant funding for the Bernhards Bay Water District.

Councilman Colesante offered the following resolution.

BOND RESOLUTION DATED MAY 17, 2016.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,723,000 SERIAL BONDS OF THE TOWN OF CONSTANTIA, OSWEGO COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF BERNHARDS BAY WATER DISTRICT IN AND FOR SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, the Town Board of the Town of Constantia, Oswego County, New York, has established Bernhards Bay Water District in the Town of Constantia (the "Water District"); and

WHEREAS, the improvements for said Water District shall consist of the construction of a water distribution system, including purchase and installation of new 16-inch and 8-inch ductile iron water mains, including original furnishings, hydrants, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith; and

WHEREAS, the maximum amount proposed to be expended by the Water District for said improvements is \$4,723,000; and

WHEREAS, said capital project has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in a significant adverse environmental impact; and

WHEREAS, it is now desired to authorize said improvement and the financing thereof; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Constantia, Oswego County, New York, as follows:  
Section 1. The cost of the construction of a water distribution system for the Bernhards Bay Water District in the Town of Constantia, Oswego County, New York, including purchase and installation of new 16-inch and 8-

inch ductile iron water mains, including original furnishings, hydrants, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$4,723,000, and there are hereby authorized to be issued \$4,723,000 serial bonds of the Town of Constantia, Oswego County, New York pursuant to the provisions of the Local Finance Law to pay the cost thereof.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose shall consist of the issuance of the \$4,723,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; **provided, however**, that to the extent that any grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 40 years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Constantia, Oswego County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not provided from other sources, there shall be annually assessed upon the taxable real property in said Water District at the same time and in the same manner as other Town charges, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Town Board.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Seconded by Councilman Metzger.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<b>Kenneth C. Mosley</b>	<b>VOTING</b>	<b>YES</b>
<b>Thomas Moran</b>	<b>VOTING</b>	<b>YES</b>
<b>Chad Whitney</b>	<b>VOTING</b>	<b>YES</b>
<b>Richard Colesante</b>	<b>VOTING</b>	<b>YES</b>
<b>John Metzger</b>	<b>VOTING</b>	<b>YES</b>

The resolution was thereupon declared duly adopted.

**SEWER:**

Nothing new to report.

**COUNTY LEGISLATOR:**

Mr. Reehil told the board about an Oswego County Tourism Event on May 23 at 916 Riverside restaurant in Brewerton. The President of the Ft. Brewerton/Greater Oneida Lake Chamber of Commerce, will be doing a presentation on tourism in this corner of the county.

The Oswego County Tourism Committee would like to meet in Constantia on June 21<sup>st</sup> at 10am.

On Friday May 20<sup>th</sup> CCC in Auburn will be hold a grant writing workshop centered on CFA Grants.

July 23<sup>rd</sup> is the day for the Oswego County Auction, 11 properties in the Town including the Village are on the list. Mr. Reehil will get the board a list of the addresses that are up for auction.

**MINUTES:**

Mr. Moran made the motion to accept the minutes of the April 21st town board meeting, seconded by Mr. Whitney.

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

**VOUCHERS:**

Mr. Colesante made the motion to accept the following vouchers as listed on Abstract #5 dated May 17, 2016:

General Fund	143-170	\$25,407.19
Highway Fund	74-97	\$35,076.39

NorthShore Water District

All have been reviewed and approved by the town board members, Seconded by Mr. Moran.

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

**SUPERVISOR:**

Mr. Moran then made the motion to accept the Supervisor's report as presented dated April 30, 2016, seconded by Mr. Metzger.

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

**HIGHWAY:**

Mr. Woolridge reported:

-All but one truck has been turned over for the summer, one truck is still being overhauled.

-Cutting trees

-Working on State Route 49 in Bernhards Bay, the Town is doing the work, the State is handling traffic. The ditches have needed work for a while, hopefully this will take care of the water problems in that area.

-Hope to have the crusher online by Monday at the latest.

-Holly Hole Road bridge project is on hold, got permits from DEC but now dealing with the US Corp of Engineers. They give permits for the creek beds, will not start until the end of summer.

-The town did not have the winning bid for the county paver.

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

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

**TOWN CLERK/TAX COLLECTOR:**

Mrs. Haynes reported that the total receipts and disbursements for the month of April were \$3,268.25.

Tax collection has ended, and after settling up with the County, \$9,326.19 was turned over to the Town Supervisor on May 12<sup>th</sup>. This amount includes penalty, second notice fees and interest. Mr. Metzger made the motion to accept the Town Clerk's report and Tax Collector's report as presented, seconded by Mr. Whitney.

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

**ASSESSOR:**

The tentative assessment roll was published on May 1, 2016. This year we mailed out 101 change notices, again, mostly due to building permits. Grievance Day will be held on Wednesday, May 25<sup>th</sup> from 1:00 – 4:00 and 6:00 – 8:00.

During the last State budget, the STAR Exemption has gone through some major changes effective immediately. Any person that applied for a new STAR after March 2, 2015, will need to register with the Department of Taxation and Finance (DTF). The local assessor's office will no longer be the place the file for the STAR exemption. With that said; this only affects taxpayers that recently purchased a home, it does not affect anyone that had already been receiving the STAR exemption. The STAR exemption will be transitioning to a STAR Check Program, meaning that the savings will no longer appear on their school bill, but they will receive the savings by mail in the form of a check, made out in the same amount as if they had received the STAR exemption.

It should also be mentioned, that the very same people that voted on the budget and passed this STAR transition have started another movement to repeal it, currently known as bill S7531. So, whether or not this STAR Transition actually will occur is unknown. As of right now, DTF has a spot on their website for property owner's to register, and can be found at [www.tax.ny.gov](http://www.tax.ny.gov), under the STAR banner. This web page became available earlier this morning.

At some point, in June and July, our office will be charged with notifying those property owners that initially signed up for the STAR program the old fashioned way, that they are no longer entitled to it, and will need to register with DTF. The cost of mailing the letters to notify those affected will be on the shoulders of each municipality; which feels an awful lot like another unfunded state mandate from our leaders in Albany.

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

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

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

**JUSTICE:**

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

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

**DOG CONTROL:**

After reviewing Ms. Ashley's report Mr. Whitney asked why she did not respond to the call on May 3<sup>rd</sup> when a State Trooper called for assistance. Ms. Ashley replied that she is not the DCO for the Village of Cleveland. After discussion Mr. Mosley will contact Mayor Youmans to get an agreement signed so if the DCO for the village can't be reached Ms. Ashley will respond. Mr. Whitney made the motion to approve the Dog Control Officer's report, seconded by Mr. Metzger.

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

**PLANNING BOARD:**

Nothing to report

**BOARD OF APPEALS:**

Minutes for May 10th meeting received.

**REVITALIZATION COMMITTEE:**

-Mr. Metzger indicated there will be no spring cleanup with the dumpsters this year, after discussion it was decided that the town would offer this program again. Mr. Woolridge will get with BTI to set up a date for the program. There will be a dumpster at the town hall and at the highway garage. Advertising is the biggest hurdle, will need to put in the paper get it on the website.

**MUNICIPAL BUILDING:**

At 7:00pm June 20<sup>th</sup> there will be a joint meeting between the town board and the fire commissioners and members of the fire department at the fire hall, 23 County Route 23.

**CORRESPONDENCE:**

Letter received from the Town of West Monroe about a public hearing being held on May 25, 2016.

**PUBLIC COMMENT:**

None

**BOARD COMMENT:**

None

**TUG HILL COMMISSION:**

Paul Baxter reported:

- North Shore Council of Governments met on Friday, April 29<sup>th</sup> and Friday May 13<sup>th</sup> both at the Constantia Town Hall, thank you for hosting.
- Solar farm workshop scheduled for tomorrow in Mexico, 7pm has been moved to CITI, in the multipurpose room.
- The Central New York Regional Economic Development Council is meeting this Friday at noon at Cayuga Community College in Auburn, and a workshop on the new round of Consolidated Funding Application will follow at 2pm.
- Oswego County Tourism will be doing a Tourism Ambassador workshop next Monday, May 23 at 916 Riverside, preregistrations is required.
- There will be a Oneida Watershed Discovery Project meeting Wednesday, May 25<sup>th</sup> from 1:30-4:00 pm at the Cleveland Village Hall.

**ADJOURN:**

At 9:16pm Mr. Whitney made the motion to adjourn, seconded by Mr. Metzger.

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