

TOWN OF CONSTANTIA
MINUTES – TOWN BOARD – July 18, 2023
7:00 pm Constantia Town Hall

Present: Frank Tomaino – Town Supervisor
Ronald Chapman, Richard Colesante, John Metzger, Thomas Moran – Council Members
Clare Haynes – Town Clerk
Wayne Woolridge – Highway Superintendent
Warren Bader – Town Attorney
Roy Reehil – County Legislator
Erin Zehr – Chair, Park and Recreation Commission
James Peck – Chair, Planning Board
Vern Sundet – Tug Hill Commission
Dustin Clark and David Powers – Barton & Loguidice

CALL TO ORDER:

At 7:00 pm Mr. Tomaino called the town board meeting to order with the pledge of allegiance.

PUBLIC COMMENT:

Mr. Schwartz asked about Local Law C-2022 Container Law. Mr. Schwartz told the board that another container has been moved into Doris Park not to mention the one that was put in two years ago that was to be moved and then painted, that one is still in the original spot. Mr. Tomaino is unaware of a new container; he will contact Mr. Dolan to visit the property.

WASTEWATER:

Mr. Clark sent the Board with the following report, new items are in bold.

A. WWTP Scope:

- Recent Work Completed
 - ✓ 60% Plans delivery to Town June 28, 2023
 - ✓ **Updated treatment plant O&M costs**
- Current Status:
 - **Finalizing 60% Drawings and Specs for DEC submission**
 - **Subconsultants on pause for design phase services**
- Future steps:
 - **Final design, preparation of bid set contingent upon Town authorization**

B. Grinder Pump Scope:

- Recent Work Completed
 - ✓ **641/871 home inspections complete to date**
 - ✓ **516 easements** have been fully signed and executed by the Town
 - ✓ 60% Plans delivery to Town June 28, 2023
- Current Status:
 - **Finalizing 60% Drawings and Specs for DEC submission**
 - **Future inspections on pause**
 - **2 previously scheduled inspections remain (scheduled for July 28th)**
 - **Continue processing previously executed easements for Town signature and filing**
- Future steps:
 - **Schedule remaining inspections contingent upon Town authorization**

C. Forcemain and Pump Station Scope:

- Recent Work Completed
- 60% Plans delivery to Town June 28, 2023
- **Updated collection O&M costs based on neighboring similar systems**
- Current Status:
 - **Finalizing 60% Drawings and Specs for DEC submission**
 - **Subconsultants on pause for design phase services**
- Future steps:
 - **Final design, preparation of bid set contingent upon Town authorization**

D. Funding, Permitting, and Other Items:

- Recent Work Completed
 - ✓ Addendum No. 3 to PER issued for 2024 IUP Listing on June 16, 2023
 - ✓ NBRC Grant application submitted for \$1M
- Current Status:
 - Archaeological fieldwork ongoing.
 - **STAG grant lowered from \$4M to \$1.75M in recent Appropriation Bill released July 14**
 - **Preparing joint application for submission to DEC and Army Corps of Engineers**
 - **Preparing funding applications for 2023 Funding Round (WQIP, GIGP, ESD)**
 - **Correspondence with USDA RD for National Pooling Grant eligibility**
 - **Oswego County ARPA request**

○ **Issue Letter and Project Timeline to NYSEFC requesting assistance**

Future steps:

- 2024 CDBG Grant application for future phased portion of project
- Increase Bond Resolution
- Comptroller approval process may be necessary with increased Bond Resolution
- Schedule Meeting with Albany stakeholders – NYSDEC, NYSEFC, etc.

At the current time, B&L is focusing on grant funding, if the grants are not received the project can't move forward. Mr. Powers has put a letter together to send to EFC and DEC with the timeline of events as it pertains to the grant funding. Mr. Powers brought with him a flow chart outlining the funding events that he discussed in the letter.

Mr. Schwartz asked if there was a way to change the project, maybe just do the lake side of the project, Mr. Clark responded when the project started, they looked at several different proposals, treatment plants are very expensive this was the best way to share costs. Mr. Colesante asked how much will it be to run sewage treatment plant annually, Mr. Powers reponded \$250,000. The breakdown will be \$80 for the plant and \$120 for the collection system per edu. It is important to add that the Village is receiving a benefit from this district which is why the district is only being charged 37% of the total treatment cost.

Mr. Tomaino added to the residents' present that he has copies of support letters that will be helpful for the grant process. The letters have a space for their own stories at how important the lake is to them. These letters will be included in the grant submission.

PARK AND RECREATION:

Ms. Zehr told the board that there are 227 children who signed up for the recreation program, 15 out of town people and a little over 40 from West Monroe. Swim lessons are a big hit this year, glad to see that. Lots of positive comments on the upgrades to the park, many thanks to the highway department. Also, remember the 10th Mountain Division Band will be performing on July 22nd at 8pm followed by fireworks.

COUNTY LEGISLATOR:

Mr. Reehil wanted to update the board on the Fireman Exemption Law that the County passed, they originally had the law for members who were volunteers for 5 years, there were able to change that to match the Town law which is for 2 years. Nice to have them the same.

MINUTES:

Mr. Moran made the motion to accept the minutes of the June 14th supervisor meeting, June 20th town board meeting and the June 26th special meeting, seconded by Mr. Chapman.

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

VOUCHERS:

Mr. Metzger made the motion to accept the following vouchers as listed on Abstract #7 Dated July 18, 2023 which have been approved by the Town Board and authorized for payment:

General:	228-270	\$ 21,339.94	Sewer:	39-40	\$ 4,810.00
Highway:	129-149	\$350,891.04	ARPA:	11	\$ 235.29
Trust and Agency:	3	\$ 16,741.97	B-Bay Water:	5	\$22,396.00

Seconded by Mr. Moran.

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

SUPERVISOR:

COUNCILMAN: Moran

Introduced the following and moved its adoption:

Due to an increase of revenue from New York State Department of Transportation Highway Improvement Program the following is a budget modification. Revenue DB3501 CHIPS will be increased from \$182,492 to \$441,694, the following is the revenue breakdown:

2023-2024	CHIPS	\$287,644.87
2023-2024	Pave NY	\$ 48,339.38
2023-2024	Winter Recovery	\$ 41,242.27
2023-2024	Pave our Potholes	<u>\$ 64,468.12</u>
Total:		\$441,694.64

Increase the following budget lines:

Revenue	DB3501	from: \$182,492.00 to \$441,694.00
Expense	DB5112.2	from: \$282,492.00 to \$541,694.00

The additional CHIPS Revenue of \$259,202 is used to increase revenue and expenditure beyond what Town budgeted.

Seconded by Councilman: Chapman

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

Frank Tomaino	Voted	Yes
Richard Colesante	Voted	Yes
John Metzger	Voted	Yes

Tom Moran	Voted	Yes
Ronald Chapman	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Mr. Moran made the motion to approve the supervisor's report dated June 30, 2023, seconded by Mr. Colesante.
Carried: Moran – Yes Chapman – Yes Colesante – Yes Metzger – Yes Tomaino - Yes

HIGHWAY:

Mr. Woolridge told the board they are finished paving, as a few members of the highway department were in attendance he thanked them for their hard work. They laid 3500 tons of blacktop this year which turned out to be about 7 miles of pavement. The work was done in three weeks. They will be back on Lower Rd to do aprons and shoulders where needed.

Mr. Whitney has assembled equipment at the highway garage to be listed on Auctions International. They should be listed two weeks from today, most of the equipment has been around for a while might as well get them out there for possible sale. The biggest item is the 2010 Mac plow truck, does not make sense to have that hanging around, maybe get a good price to offset the new one that was just ordered. Once bidding is completed the Town can either accept or reject the bids.

Mr. Chapman asked if they will be renting the long arm again, Mr. Woolridge has it on the schedule to start in August.

17 more banners were ordered today, Mr. Woolridge will hang them when they are received.

Mr. Woolridge would like sometime set aside at the August 7th supervisors meeting to speak about the local cemeteries. Maybe get a list of what they need done and what the Town would be able to help them with. Mr. Moran would like to see a budget line in the budget to help offset some of the costs the Highway Funds would be expending.

Mr. Colesante asked if Mr. Woolridge has completed the paperwork for the Mill St project, Mr. Woolridge needs to go to Callanan Industries to look at the material that will be used. He will then draw out what will be done. Mr. Woolridge understands the project the board would like to do, but maybe the money would be better spent at the park, he would like to pour concrete pads next to the grills and chain the picnic tables to them, it will be easier to mow at the park. There are currently 22 picnic tables, they could also be replaced, they are all over 15 years old. Mr. Woolridge just thinks the money would be better spent at the park, but he will get the necessary drawings and list together for Mill St.

Mr. Metzger made the motion to accept the highway superintendent's report as given, seconded by Mr. Chapman.

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

APPROVAL OF DEPARTMENT REPORTS:

Mr. Moran made the motion to accept the following reports as received for May, seconded by Mr. Chapman.

- a. Dog Control
- b. Justice Pelon and Justice Simpson
- c. Town Clerk/Tax Collector

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

TUG HILL COMMISSION:

Mr. Sundet read into the minutes the following report:

- The North Shore Council of Governments met Wednesday, July 5 at 7:00 p.m. at the West Monroe town hall. New York State Senator John Mannion attended, and provided information about himself and the issues he's been working with in Albany, Other meeting topics included impacts of Micron development on our local communities, updates on the upcoming MRB economic development study, and the upcoming Tug Hill Commission 50th anniversary dinner and nominations for Tug Hill Sages. The MRB study will start in late July, and the North Shore Council of Governments will be assembling a project committee consisting of the NorCOG members themselves plus several additional others. Please

think about names that NorCOG should be considering as part of this project committee. NorCOG is currently in the process of scheduling its next meeting for August 2023.

- The Tug Hill Commission has three new issue papers out:
Insurance coverage annual review
How to write Zoning Board of Appeals (ZBA) decisions
Regulating home-based businesses
I have a copy of each paper for you, which are also available on the Tug Hill web site (www.tughill.org)
at News & Publications > Technical & Issue Papers.
- There will be a workshop on town budgets and highway departments on Wednesday, August 23, 2023 from 6:30 to 8:30 p.m. in Trenton. I have copies of the flyer for you, should you be interested. This is a repeat of the workshop offered in Adams back in May, and note that a recording of this workshop *is* also available on the Tug Hill channel on YouTube, with the handout for the workshop available on the Tug Hill website at <https://tughill.org/services/training/>
- Nominations are still open (until August 15) for Tug Hill Sages.
- I understand that the bottleneck in processing checks written for the 2023 Local Government Conference have been resolved, and if they have not cleared yet, they should be cleared soon. Thank you for your patience!

PLANNING BOARD:

Mr. Tomaino thanked Mr. Peck for coming tonight, the board has tasked the planning board to start the process of zoning for the Town. Mr. Tomaino explained that implementing zoning is a long process but feels it will be a benefit to the Town. Mr. Peck and a few of the members of the planning board attended a meeting that Mr. Tomaino set up with Tug Hill Commission, it was very informative. Of note is that a zoning commission will need to be set up and the members approved by the town board. Planning board members and residents of the town will make up the 10-member board which will be in place for 2 years. If anyone would like to be on the new board, please reach out to Mr. Tomaino. Of note, town board members cannot be members of the zoning commission.

APPROVAL OF BIDS:

Two bids were received for sealing and striping of the town hall parking lot:

RJ Green Pavement Sealing & Striping LLC	\$8,640.00
Salt Springs Paving Co	\$7,690.00

Mr. Metzger made the motion to award the bid to Salt Springs Paving Co. for \$7,690.00, seconded by Mr. Colesante.

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

BOARD INITIATIVES AND COMMENT:

Judge Pelon and Judge Simpson asked the Town Board to consider the following resolution:

RESOLUTION IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B and ASSEMBLY BILL A-1358B

COUNCILMAN: Moran

Introduced the following and moved its adoption:

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Oswego County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of Constantia is a vital service to our residents and the Oswego County community as a whole; and

WHEREAS, The Justices in Oswego County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, The Justices preside nightly and weekend and holiday mornings at the Oswego County Arraignment Part ('CAP') conducted in the County Jail, (CAP) that ensures that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and be processed for release, bail, or incarceration; (ONLY) and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Oswego County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State's Commission on Judicial Conduct's most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either "State-paid" judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Constantia strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

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:

Frank Tomaino, Supervisor	Voted	Yes
Richard Colesante	Voted	Yes
John Metzger	Voted	Yes
Tom Moran	Voted	Yes
Ronald Chapman	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

ADJOURN:

At 8:17 pm Mr. Chapman made the motion to adjourn the town board meeting, seconded by Mr. Moran.

Carried: Moran – Yes Chapman – Yes Colesante – Yes Metzger – Yes Tomaino – Yes