

TOWN OF CONSTANTIA
MINUTES – PUBLIC HEARING - TOWN BOARD – December 19, 2023
6:45 pm Constantia Town Hall

Present: Frank Tomaino – Town Supervisor
Ronald Chapman, Richard Colesante, John Metzger, Thomas Moran – Council Members
Clare Haynes – Town Clerk
E. John Whitney – Deputy Highway Superintendent
Warren Bader – Town Attorney
Michael Donegan, Daniel Poné – Council Members Elect
Erin Zehr – Chair, Park and Recreation Commission
Dustin Clark – Barton & Loguidice
Paul Baxter – Tug Hill Commission

Absent: Wayne Woolridge – Highway Superintendent

CALL TO ORDER:

At 6:45 pm Mr. Tomaino called the public hearing and town board meeting to order with the pledge of allegiance.

PUBLIC HEARING:

The purpose of this public hearing is to hear any concerns on proposed Local Law C-2023, A Local Law A Local Law Providing for a Tax Exemption on Real Property Owned By Persons Sixty-Five Years of Age or Over Pursuant to Real Property Tax Law § 467”

With no public comment, Mr. Bader read the proposed resolution into the minutes. The resolution will be voted on during the regular session of the town board meeting.

At 7:00 pm Mr. Chapman made the motion to close the public hearing and open the regular meeting of the Constantia Town Board, seconded by Mr. Metzger.

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

PUBLIC COMMENT:

Mr. Murra thanked the members of the board for putting the agenda and information on the website.

WASTEWATER:

Mr. Clark there is no new information on the sewer district grants as they have not been announced yet. Mr. Moran saw in the newspaper that Camden is also looking for additional sewer funding, their original project was for \$7M they now need \$14M. Our district is not the only one in this situation, there will be many towns and villages applying for the same money.

Mr. Colesante asked about historic increases in O&M in other municipalities, Mr. Clark responded they are still working gathering information. It is challenging because all municipalities handles districts in their own way but they are still looking into it.

Mr. Clark acknowledged both Mr. Colesante and Mr. Metzger for their years of service to the Town. It has been a pleasure working with both gentlemen.

PARK AND RECREATION:

Mrs. Zehr has contacted Downtown Decorations on purchasing new Christmas lights for telephone poles in town. They told Mrs. Zehr to call back after the first of the year, they will be willing to give a better discount at that time. Mr. Whitney indicated some of the decorations are 20+ years old and pretty beat up.

MINUTES:

Mr. Moran made the motion to accept the minutes of the November 21, 2023 town board 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 #12 Dated December 19, 2023 which have been approved by the Town Board and authorized for payment:

General:	426-472	\$ 20,630.14	Sewer:	57-58	\$ 5,423.67
Highway:	219-231	\$174,252.08	ARPA:	13	\$ 5,000.00
Trust and Agency:	8	\$ 17,464.15	Special Reserve	2	\$239,029.20

Seconded by Mr. Colesante.

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

SUPERVISOR:

Mr. Moran read the following into the minutes:

Referring to General Fund budget transfer sheet #1 for November 2023 the following accounts are over budget;

A3120.4 Court Security CE	\$ 402.12
A9060.8 Employee Medical Insurance	\$ <u>830.72</u>

Total over Budget \$1,232.84

Therefore I make a motion to transfer \$1,232.84 from contingency account A1990.4 to replenish the deficiency leaving \$86,039.16 balance in contingency.

Continuing my motion to include Highway Fund budget transfer sheet #2 for November 2023 the following accounts are over budget:

DB5130.1 Machinery PS	\$ 700.00
DB9010.8 State Retirement	\$ 6,871.00
DB9030.81 Social Security	\$ 2,287.02
DB9030.82 Medicare	<u>\$ 179.56</u>
Total Over Budget	\$10,037.58

I therefore motion to address this deficiency by removing \$10,037.58 from the year end unreserved fund balance of \$80,142.93 leaving a balance of \$70,105.35. This concludes my motion. Motion was seconded by Mr. Metzger.

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

Mr. Moran pointed out that there is a balance of over \$1M between both water districts, Mr. Moran understand how is happened but would like to do something with this money as the Districts have been turned over to OCWA. Mr. Moran believes it should be invested or do something with the money. Mr. Moran will get with Ms. Butler. Mr. Tomaino responded that he believes the money has been invested, will clarify with Ms. Butler.

Mr. Moran made the motion to approve the supervisor's report dated November 30, 2023, seconded by Mr. Colesante.

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

HIGHWAY:

Mr. Woolridge was not in attendance tonight as he is not feeling well, Mr. Whitney reported that they have been busy with vehicle maintenance and firewood. They have an employee working nights to check the roads, they all rotate the shifts. Will be working on trees until the snow gets too deep.

Mr. Metzger made the motion to approve the highway report as given, seconded by Mr. Colesante.

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, seconded by Mr. Chapman.

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

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

TUG HILL COMMISSION:

Mr. Baxter read into the minutes the following report:

- On Wednesday, December 6, 2023, there was a Newly Elected Officials training session sponsored by the Tug Hill Commission, the Association of Towns of the State of New York, and the Councils of Government in the Tug Hill region. The session is now available for viewing on the Tug Hill YouTube channel, and you can also find it at this link:
<https://tughill.org/services/training/>
- The North Shore economic resiliency and recovery study continues to move forward, with a steering committee meeting on Wednesday, November 29, and a follow-up meeting Thursday, December 7 to discuss what needs to be done during the remaining portion of the process. At the meeting, we also discussed other outreach efforts for the community survey.
One of the consensus items was for additional community outreach. I delivered additional survey copies and e a collection box for the village hall, which I will pick up after 12/31/2023, and I have provided information about the survey to the town for posting to the town website. Thanks for posting that information!
- Related: NorCOG and the Tug Hill Commission have been working for the past year on getting a traffic study for the Route 49 corridor, extending from the west side of Central Square to east of I-81, making it as extensive as possible. Tug Hill staff have been in touch with the Syracuse Metropolitan Transportation Council for a mandatory meeting, and the study outline was well-received. The study outline has subsequently been distributed to the North Shore communities for comment.
At the December NorCOG meeting, the group was unanimous in supporting the study proposal, and will be sending a letter of support from the group. It would be helpful for Constantia to have a letter of support as well. I have a draft letter for you to consider. The deadline for getting these in for inclusion with the grant application is tomorrow at noon, so the deadline would need you to act on this tonight if you would consider doing that.

- The Tug Hill Commission met Monday, December 12, and established its 2024 meeting schedule. The Commission meets nine times a year, and moves its meetings through the region to make its meetings more accessible to the local officials and residents of the Tug Hill region. They conduct meetings within each Council of Governments area, and rotate that location every year. The commission has scheduled the meeting in the North Shore Council of Governments area for 2024 at the village of Central Square on Monday, May 10 at 10:00 a.m. The commission usually starts setting up in the meeting room no later than 9:30 a.m., a half hour before meeting time.
- Earlier this month, I submitted the bill for the annual dues for NorCOG membership for calendar year 2023 and for Constantia's share of the economic study.

Mr. Tomaino could not attend a meeting hosted by Mr. Turner from Oswego County; Mr. Baxter was nice enough to attend in his place. Mr. Tomaino asked how that meeting went. Mr. Baxter responded that it was a community engagement meeting hosted by Micron. They were soliciting information from attendees, Mr. Baxter commented that Micron needs to be more proactive with information given to the public. Mr. Baxter and others understand that Micron is moving forward but the general public does not know this, many residents do not believe that Micron will actually come. Mr. Tomaino thanked Mr. Baxter for attending in his place.

The question was asked if the traffic study would encompass speed along the State Route 49 corridor, Mr. Baxter responded that it will, but currently the study will be about one mile, up until County Route 37. Mr. Baxter is hoping they will extend the study to include the entire length of the highway to include the Village of Cleveland.

Mr. Walter would like to see the speed limit lowered along this route, currently the speed limit is 55 from the Winery all the way to Taft Bay Park. As he lives on this stretch, he often hears speeding cars and motorcycles along with squealing tires. Mr. Walker has contacted the State on this issue, he was advised that it would be best if residents sent letters individually to the State, Mr. Walker offered to do a petition, the representative at the State responded that individual letters are what they need to see.

BOARD INITIATIVES AND COMMENT:

**TOWN OF CONSTANTIA
TOWN BOARD RESOLUTION**

December 19, 2023

LOCAL LAW NO. C-2023

(“A Local Law Providing for a Tax Exemption on Real Property Owned By Persons Sixty-Five Years of Age or Over Pursuant to Real Property Tax Law § 467”)

The following resolution was offered by Councilor Colesante, who moved its adoption, seconded by Councilor Metzger, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2023, titled “A Local Law Providing for a Tax Exemption on Real Property Owned By Persons Sixty-Five Years of Age or Over Pursuant to Real Property Tax Law § 467,” was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on November 21, 2023; and

WHEREAS, a public hearing was held on such proposed local law on December 19, 2023, by the Town Board of the Town of Constantia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Constantia in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. C-2023 has previously been determined to be an Unlisted Action, the Board declared itself to be Lead Agency and issued a Negative Declaration for purposes of SEQRA; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C-2023.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact proposed Local Law No. C-2023 as Local Law No. 3-2023 as follows:

“TOWN OF CONSTANTIA

LOCAL LAW 3-2023

A LOCAL LAW PROVIDING FOR A TAX EXEMPTION ON REAL PROPERTY OWNED BY PERSONS SIXTY-FIVE YEARS OF AGE OR OVER PURSUANT TO REAL PROPERTY TAX LAW § 467

BE IT ENACTED by the Town Board of the Town of Constantia, as follows:

Section I. Title and Legislative Findings.

This Local Law shall hereafter be known as the Town of Constantia Real Property Tax Exemption for Senior Citizens in the Town of Constantia.

The Town Board of the Town of Constantia, being ever mindful of its responsibility and obligation to provide for the welfare and financial independence of the senior citizens of the Town who have made a vital contribution to the growth, development and progress of the community, intends by the enactment of this Local Law to provide protection for limited income senior citizen homeowners from the increased cost of living.

The purpose of this Local Law is to grant the exemptions from taxation in accordance with the criteria set

forth in New York State Real Property Tax Law § 467.

Section 2. Authority.

The adoption of this Local Law is in accordance with Section 10 of New York’s Municipal Home Rule Law and New York Real Property Tax Law § 467.

Section 3. Partial Tax Exemption Granted Under RPTL §467

Real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five years of age or over, shall be exempt from taxation for county purposes up to a maximum of fifty per cent (50%) of the assessed value provided the owner(s) meet the qualifications set forth below. For the purposes of this local law, sibling shall mean a brother or a sister, whether related through half blood, whole blood or adoption. Any person otherwise qualifying under this section shall not be denied the exemption under this section if they become sixty-five years of age after the appropriate taxable status date and on or before December thirty-first (31st) of the same year.

Exemption Percentage	Income Range (in dollars)	High
50%	0	29,000.00
45%	29,000.01	29,999.99
40%	30,000.00	30,999.99

Exemption Percentage	Income Range (in dollars)	High
35%	31,000.00	31,999.99
30%	32,000.00	32,899.99
25%	32,900.00	33,799.99
20%	33,800.00	34,699.99
15%	34,700.00	35,599.99
10%	35,600.00	36,499.99
5%	36,500.00	37,399.99
0%	\$37,400 and over	

Section 4. Income Qualifications.

(a) The “applicable income tax year” as used herein shall mean the second most recent calendar year.

(b) The term “income” as defined herein shall mean “adjusted gross income” for federal income tax purposes as reported on an applicant’s federal or state income tax return for the applicable income tax year, as defined in and as is subject to any subsequent amendments to Real Property Tax Law § 467(3)(iv), *et seq.*; provided, however, if no such tax return was filed for the applicable income tax year, the applicant’s income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:

- (1) any Social Security benefits not included in such federal adjusted gross income shall be considered income;
- (2) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant’s federal adjusted gross income shall be considered income and shall not be excluded;
- (3) any tax-exempt interest or dividends that were excluded from the applicant’s federal adjusted gross income shall be considered income;
- (4) any losses that were applied to reduce the applicant’s federal adjusted gross income (AGI) shall be subject to the following limitations:
 - (A) the net amount of loss reported on federal schedules C, D, E, or F shall not exceed three thousand dollars (\$3,000) per any given schedule,
 - (B) the net amount of any other separate category of loss shall not exceed three thousand dollars (\$3,000), and
 - (C) the aggregate amount of all losses shall not exceed fifteen thousand dollars (\$15,000).

(c) Where title is vested in a married person, the combined income of such person and such person’s spouse may not exceed such sum, except where one spouse or ex-spouse is absent from the property as provided in subparagraph (c)(2) of Section 5 of this local law, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

(d) No exemption shall be granted hereunder if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum provided in Section 3 of this local law.

Section 5. Additional Qualifications.

No exemption shall be granted hereunder unless:

(a) the owner shall have held an exemption under this section for his previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twelve consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of twelve consecutive months. Where property of the owner or owners has been acquired to replace property

formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section, Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within nine months of the date of transfer shall be deemed to satisfy the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of twelve consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions, becomes vested, by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means within nine months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of twelve consecutive months shall be deemed satisfied;

(b) the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;

(c) the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property, except where:

(1) an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall only be income only to the extent that it exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or,

(2) the real property is owned by a husband and/or wife, or an ex-husband and/or an ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be sixty-two years of age or over.

(d) the real property otherwise meets the qualifications contained in Real Property Tax Law § 467, as the same may be amended from time to time.

Section 6. Administration.

Application for such exemption must be made by the owner, or all of the owners of the property upon such forms as may be prescribed from time to time by the NYS Office of Real Property Services. Such applications must be filed with the assessor of the town or city in which the real property is located on or before the taxable status date. Nothing herein shall impair a partial exemption presently enjoyed by an eligible property owner.

Section 7. Compatibility with Real Property Tax Law § 467.

The right to said exemption set forth in this local law, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this local law in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property Tax Law § 467. The exemption, the procedures for application therefor and the restrictions and limitations thereon as set forth in Real Property Tax Law § 467, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this local law. If any provisions of this Article are in conflict with those set forth in Real Property Tax Law § 467, Real Property Tax Law § 467 shall be controlling

Section 8. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.”

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	Councilor	Voted	Yes
Ron Chapman	Councilor	Voted	Yes
John Metzger	Councilor	Voted	Yes
Thomas Moran	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Mr. Marrone from North Auringer Rd has spoken to Mr. Tomaino about the property across the road from his residence, this property has a camper and a storage container. Mr. Tomaino spoke to Mr. Dolan, Code Enforcement Officer about the issue, Mr. Dolan issued a Notice to Remedy which gives the property owner 30 days to remove the storage container and camper. Mr. Marrone would like the container removed sooner; Mr. Tomaino explained that the law does give 30 days to comply.

PUBLIC COMMENT:

Mr. Murra thanked both Mr. Colesante and Mr. Metzger for their years of service, it is a thankless job at times, but wanted to thank them both for their service. Mr. Murra questioned the payment from the Special Reserve

account, could you please give an update what this was used for. Mr. Tomaino responded that years ago the Board set up the special reserve account to yearly save money for either improvements to the existing town hall or for building a new building. There was enough money to purchase 1667 State Route 49 outright. Mr. Murra applauded the Board for their vision, he feels it will be a game changer for the Town.

Mr. Tomaino asked Mr. Rockwell a resident from Salt Rd if he has received any additional information on his flooding issue. Mr. Rockwell does not want to make a comment at this point as DEC is still investigating.

Mr. Gibbs asked about water on Auringer Rd, if there is money in the Water District accounts why can't it be used to put water on Auringer Rd. Mr. Tomaino responded that each District is separate from each other and can't be used for any other purpose. Mr. Tomaino will reach out to Mr. Clark to if there is any additional information on an extension or a new district.

Mr. Tomaino wanted to thank both Mr. Colesante and Mr. Metzger for their 20 years of service to the Town as Board Members, their experience will be missed.

ADJOURN:

At 7:50 pm Mr. Colesante made the motion to adjourn the town board meeting, seconded by Mr. Metzger.

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