

TOWN OF CONSTANTIA
MINUTES – SUPERVISOR’S MEETING – May 4, 2020
9:00 am Constantia Town Hall

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

Absent: Frank Tomaino – Council Member

CALL TO ORDER:

At 9:01 am Mr. Mosley called the town board meeting to order with the pledge of allegiance. As per recommended procedures during COVID-19 using Zoom - Mr. Mosley asked each board member if they were at their house of record in the Town of Constantia, all board members responded they were.

LOVELL RESOLUTION:

Ms. Lovell is in attendance via Zoom for this meeting for an update to the resolution that was brought up at the March and April town board meeting. Mr. Moran has since spoken to Mr. Bader town attorney about his reservations, Mr. Bader has satisfactory answered Mr. Moran’s concerns. Attorney Bader read the following into the minutes:

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

WHEREAS, Second Avenue in the Town of Constantia is not maintained, plowed, etc. by the Town of Constantia; and

WHEREAS, Christal A. Lovell, the owner of premises located at 103 Doris Park Drive in the Town of Constantia has requested that Second Avenue be designated as a paper street; and

WHEREAS, Christal A. Lovell has asked the Town of Constantia to confirm that it will not take any action with regard to the portion of her house, deck and barn that are located within Second Avenue (the “Structures”) as more specifically depicted upon a certain survey map entitled “103 Doris Park Drive (part of Block DU & FI “Doris Park”, Part of Lot No. 28 Township No. 11 of Scriba’s Patent)” prepared by David Bardoun, LLS and dated October 21, 2019 as attached hereto as “Exhibit A”.

NOW, THEREFORE, it is:

RESOLVED, that the Town Board of the Town of Constantia hereby declares Second Avenue to be a paper street, and be it

FURTHER RESOLVED, that the Town of Constantia will not take any action against Christal A. Lovell with regard to the location of the Structures located within Second Avenue as more specifically depicted upon a certain survey map entitled “103 Doris Park Drive (part of Block DU & FI “Doris Park”, Part of Lot No. 28 Township No. 11 of Scriba’s Patent)” prepared by David Bardoun, LLS and dated October 21, 2019 as attached hereto as “Exhibit A” for as long as they remain in their current location, and be it

FURTHER RESOLVED, that in the event any of the Structures are removed and/or rebuilt, the Town of Constantia will require that the Structure not be rebuilt within the paper street or Doris Park Drive.

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

Frank Tomaino	Councilor	Absent	
Tom Moran	Councilor	Voted	Yes
John Metzger	Councilor	Voted	Yes
Richard Colesante	Councilor	Voted	Yes
Ken Mosley	Supervisor	Voted	Yes

The foregoing resolutions were thereupon declared duly adopted.

CODE ENFORCEMENT:

Mr. Haynes came into the meeting to speak about a request he received from a contractor looking to work in the Town. Mr. Haynes forwarded a sample letter he received from the contractor, Mr. Haynes does not think it is wise to sign the letter but wanted to get Mr. Bader’s opinion and also the board members. Mr. Bader agrees, it is up to the contractor to supply the Town a letter proving he is essential and has gotten the proper waiver from the State, not the Town giving the business a letter. At the current time Mr. Haynes is issuing building permits and including Section 9 from the Governor’s Executive Order which is the information at it pertains to construction.

Forest Dr. – There is a property owner that is looking to build a house on Forest Dr. the property is too small to meet the required setbacks, Mr. Haynes told the property owner he must go to the board of appeals for approval. Mr. Haynes believes there are covenant on Forest Dr. and a few property owners are not happy he is looking to build a house. Mr. Colesante is aware of the covenant but unsure of what they are, Mr. Colesante will reach out to see if he can get a copy of a deed with the covenant. Mr. Haynes has always been told the Town does not enforce covenant, Mr. Bader said that is true but the information should be brought to the attention to the board of appeals members for consideration. Mr. Bader will reach out the Mr. Macari to have a discussion on covenant.

TOWN CLERK:

Mrs. Haynes was asked if people who have reserved the pavilions can get a refund if requested before the Town makes a decision if the park is going to open this year. The board members present are okay with refunding reservation fees upon request. Mrs. Haynes told the board since the Executive Order no residents have called to request a new reservation.

Dog license renewals have been mailed out for April and May, Mrs. Haynes will not send out second notices until clinics and veterinarians are back open.

SEWER:

Mr. Moran made the motion to authorize Kenneth Mosley to sign the NPA (Nationwide Programmatic Agreement) applicant awareness certification to enable the Northshore Sewer Project to be considered for funding by the US Dept of Agriculture Rural Development Program, seconded by Mr. Colesante
Carried: Moran – Yes Metzger – Yes Colesante – Yes Mosley – Yes

COUNCILMAN: Moran

Introduced the following and moved its adoption:

Lateral Restriction - Conditions on Future Service

The Town of Constantia imposes the following conditions, on the management of sewer lines located within the Town of Constantia Northshore Sewer Project within an agricultural district, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.
Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.
- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

Seconded by Councilman: Colesante

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

Kenneth Mosley	Voted	Yes
Richard Colesante	Voted	Yes
John Metzger	Voted	Yes
Tom Moran	Voted	Yes
Frank Tomaino	Absent	

HIGHWAY:

Mr. Metzger asked Mr. Woolridge how things are going at the highway. There are two employees working at the garage the rest are on the road ditching etc. Mr. Whitney will be back full time soon; he has been working by himself keeping his distance. Mr. Woolridge told the board that he has been supplying mask and has hand sanitizer for employee use.

BOARD COMMENT:

Mr. Mosley received from Oswego County 2,000 masks. There was not instruction on what to do with them so he distributed them, 500 to the Town, 500 to the Village, 500 to the ambulance and 500 to the Constantia Fire Dept. Masks are available at the Town hall if Mr. Woolridge needs any.

Mr. Moran asked if the 2020 Tentative Assessment Roll is available, Mrs. Haynes does have an electronic copy that is available for review. Mrs. Haynes forwarded the link to Mr. Baxter, who put it on the Town’s website.

At the April town board meeting Ms. Zehr, commissioner for park and recreation asked the board for approval to go out for quotes for the installation of the donated playground equipment. Mr. Moran asked Mr. Woolridge if he will review the specs for installation of the playground equipment. Mr. Moran is concerned about the quote with the site work that it is done up to standards. Mr. Colesante is in no rush to get the playground installed the site work is going to be costly. Mr. Woolridge told the board that he might have time to do a section this year as he is not going to be paving as much as normal. As Mr. Woolridge told the board at the town board meeting paving will be put on hold until 2021, at that time use 2020 and 2021 CHIPS monies.

Next meeting is May 12th at 9 am for the Recreational Vehicles outside a Recreational Camping Vehicle Park, also the section on Storage Containers. Mr. Metzger requested Mrs. Haynes reach out to all Board of Appeals members to see if they can attend the meeting and to send the new sections to each member. Mr. Mosley did get a text from Mr. Tomaino stating that he is not in favor of the new Recreational Vehicle section that is being reviewed to be added to the Land Development Law. Mr. Metzger will reach out to Mr. Tomaino to understand his reservations.

Mr. Mosley asked if for the May 12th meeting if anyone would be willing to meet at the town hall and practice social distancing. After discussion it was decided to wait until the Governor's new guidelines on May 15th.

Mr. Colesante asked Mr. Bader where the Town stands with Shacksbush Rd, Mr. Langey is waiting on pictures from Mr. Haynes – CEO. Mr. Mosley told the board that Mr. Haynes did speak to the property owner, he will not let Mr. Haynes go onto his property.

ADJOURN:

At 10:05am the meeting adjourned.