

VILLAGE OF CANASTOTA
MINUTES
December 1, 2008

Mayor Rouse called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

PRESENT: Mayor Todd Rouse, Deputy Mayor Scott Rapasadi and Trustee Charles Sweeney; Village Administrator Larry Carpenter; Margo Frink of the Bee-Journal; Lynn Collier of the Oneida Daily Dispatch, Aaron Gifford of the Post-Standard; Residents Margaret M. Kolodzie, Michael Kolodzie, Rolland Gustin and Donna Gustin; Georgia Patane, Raquel Brown and Larry Richardson.

ABSENT: Trustees Theodore Lumbrazo and AnnMarie Rossi

Motion by Trustee Rapasadi, seconded by Trustee Sweeney, to approve the minutes of the last board meeting. Passed 3 to 0.

Motion by Trustee Sweeney, seconded by Trustee Rapasadi, to approve the General Fund Abstract in the amount of \$159,570.94. Passed 3 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Sweeney, to approve the Sewer Fund Abstract in the amount of \$3,399.22. Passed 3 to 0.

Motion by Trustee Sweeney, seconded by Trustee Rapasadi, to approve the following budget modifications: Increase 90108.01 (NYS Retirement) by \$17,230.00. Passed 3 to 0.

Peter Finocchiaro, Esq. with Michael and Margaret Kolodzie regarding a request for an amendment to our local laws to support adult day care facilities in R-2 Zoning Districts. Mr. Finocchiaro introduced his clients, Michael and Margaret Kolodzie, to the Board. Mr. and Mrs. Kolodzie presented the Board with a petition in support of ElderHaven Adult Day Care and referenced letters of support which were not provided to the Board. Mr. and Mrs. Kolodzie gave a Power Point presentation on ElderHaven to the Board. At the conclusion of the presentation, Mr. Finocchiaro added that his clients are not requesting to make a zone change and that it is not their intent to change the character of the neighborhood. They are not asking for a definition under "Home Occupation" as this does not allow for any employees and his clients need an employee to have more than 5 clients. Mr. Finocchiaro read the definition of Professional Residence Office from our Local Laws. He advised that his clients are heavily regulated by the State and, therefore, should be considered a Professional Office.

Mayor Rouse reminded the applicants that it was made known to them before they purchased the property that it was not properly zoned for this type of business. The Mayor thinks that the

project is something that we need and something that we can have. He does not believe that Professional Office works because it would be allowed in an R-1 District. The Mayor thinks that we may need to make a new classification for Adult Day Care. The process would be the same either way. When considering a new classification, we need to define the parameters - what districts it is permitted in? - will it require a special use permit? Mayor Rouse does not believe that the proposed Adult Day Care will harm the Kolodzie's neighborhood and that it would fall in line with what has been occurring there for many years. The Mayor does want to protect other districts and neighborhoods.

Mr. Finocchiaro noted that the Kolodzies would be required to have one care giver for every 5 people - this is a requirement of the State which would prevent this from working under Home Occupation. Mr. and Mrs. Kolodzie advised that this business does not work well with an owner-occupied business with just 5 clients - they would like to have up to 10 clients to be profitable. They stated that the clients may not be there all day every day. They could have 15 different clients but only have 5 people there at a time. The Mayor is concerned that writing a law that allows 10 people may not be the right number for another business in another district. Mayor Rouse suggested that minimum square footage of the property could be considered as well as the number of bathrooms when determining the number of clients in different zones. Parking is also an issue as you will need room for people to park when they are dropping off and picking up the clients.

Mayor Rouse asked the Kolodzies for the names of other communities where Adult Day Care is allowed in home settings.

Trustee Sweeney thanked the Kolodzies for a great presentation and stated that for the benefit of the applicants and for the benefit of the community, he wants to make sure that we do this the right way.

Trustee Rapasadi believes that this is needed in our community.

Mayor Rouse explained that the Board doesn't get involved in the matters before the Zoning and Planning Boards - it cannot. The Mayor recommended that the Village look for local laws from other municipalities that allow Adult Day Care. He is afraid that we will have a difficult time finding a law allowing this in a residential district. Mayor Rouse advised that the process would be to draft the language and have an informational meeting on the wording of the local law within the next couple of weeks. We would then formalize the language, have a meeting, go to public hearing, the board would vote, the County would need to be involved. He believes that it will take perhaps 60 - 90 days to have a formal law adopted.

Mr. Kolodzie stated that he and his wife had approached the Board before this and had come to the office and met with the Mayor back in October. Mayor Rouse corrected Mr. Kolodzie,

stating that he had had a phone conversation with Mrs. Kolodzie and had not met with either of them before today.

Mr. Finocchiaro advised the Board that Jack Miller, the County Planning Director, had stated that he would like to help with the drafting of the new law and would require a letter from the Village to do so.

Trustee Sweeney noted that this was the first time that he has seen this matter before the Village Board and that in his opinion, this is a great idea in the right circumstances and in the right areas.

Mayor Rouse asked the Kolodzies if they were running their business right now.

Mr. Finocchiaro stated that his clients have “invitees” and that no money is exchanging hands. They are looking to see how the kitchen runs, how the program runs. They are conducting this as a study right now. Mrs. Kolodzie added that this is just a trial period.

Larry Richardson provided a letter of support which he read aloud to the Board.

Motion by Trustee Sweeney, seconded by Trustee Rapasadi, to authorize Code Enforcement Officer Michael Adsit to attend the Finger Lakes Building Officials Association Conference in Rochester, New York from March 16 - 19, 2009, at a cost of \$390.00 plus lodging. The lodging cost will be shared with the Town of Lenox. Carried 3 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Sweeney, to authorize the Mayor to execute the Client Automatic Service Agreement with Shred-It in the amount of \$90.00 every 4 weeks for 2 consoles for a 3-year period. The fuel surcharge has been waived by Shred-It for this 3-year period. Passed 3 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Sweeney, to authorize the Mayor to execute the Landowner Easement Agreement with Tri-Valley Trail Riders, Inc. contingent upon acceptable signage and the Tri-Valley Riders working with the Police Chief to set acceptable speed limits. **Discussion:** Trustee Rapasadi asked where the signage will be located. The Mayor advised that it will be on the James Street side of the railroad tracks and then over into the Port Street area. He believes that the riders have an agreement with the Rusty Rail to ride across its property onto Route 5. Passed 3 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Sweeney, to approve the settlement offered to the Village in the amount of \$767.94 in the New York Telecommunication Cable/Railroad Corridor Class Settlement Action, and to authorize the Mayor to execute the Grant of Communications System Easement/Release. Passed 3 to 0.

Motion to authorize Diemolding Corporation to hold its Children's Christmas Party at the Fire Station on December 6, 2008, from 12:00 noon until 1:30 p.m. Passed 3 to 0.

Presentation of proposed changes to Local Law regarding street improvements. Administrator Carpenter asked the Board members to take these proposals home and review them so that we can discuss them at the next Board meeting. Mayor Rouse asked Administrator Carpenter what his plans were. Administrator Carpenter advised that assuming there were no changes, he would like set the public hearing at our next meeting.

Correspondence

- Letter from Paul Marco, the owner of one of the properties adjacent to 128 Center Street, thanking the Village for its efforts and cooperation in the process to remove the building at 128 Center Street.
- Letter from Grimaldi's Trattoria, Inc. notifying the Village of its intention to renew its liquor license as of November 3, 2008.
- Letter from Senator Schumer's Office regarding resources available for fighting identity theft.

Administrator

Administrator Carpenter has been approached by Supervisor DiVeronica asking for a Joint Meeting of the Village of Canastota and Town of Lenox to be held on Wednesday, January 21, 2009. The Mayor tentatively set the time of the meeting at 7:30 p.m.

Department Heads

Clerk/Treasurer Williams advised that she has obtained quotes concerning GASB 45 compliance and intends to present them to the Board at the next meeting.

Mayor Comments.

The Mayor offered an update on the lighting of the trees in the downtown. We are unable to run the wiring in the sidewalk as the State has advised that they have wiring buried shallow in the sidewalk for the street lights. Rick Myers, the Village Engineer, advised that the wires are all over and that they don't follow a pattern or stay together under the sidewalk. The solar lights did not work because the overhead street lights gave too much light and prevented them from ever coming on. Mayor Rouse asked Administrator Carpenter to determine how much it would cost the Village to purchase the poles from National Grid - just the poles that we would need.

Trustee Comments.

Trustee Rapasadi is all set.

Trustee Sweeney would like the pot hole on the corner of Maple Avenue and Main Street to be fixed. Administrator Carpenter will advise the DPW in the morning.

Delegations.

Margo Frink of the Bee-Journal asked the Mayor to clarify where the snowmobilers will be riding - not on the Links Trail but to the side. Mayor Rouse advised that the intent is that the riders will not be on the black top but will be on the left side of the black top and not on the pavement.

Motion by Trustee Rapasadi, seconded by Trustee Sweeney, to adjourn at 7:59 p.m. Passed 3 to 0.

Respectfully submitted,



Catherine E. Williams
Clerk/Treasurer