

VILLAGE OF CANASTOTA
MINUTES
May 21, 2018

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

PRESENT: Mayor Carla DeShaw; Deputy Mayor Haddad; Trustees Rosanne Warner, Jeff Carpenter and Bill McDade; Village Administrator Larry Carpenter; Village Attorney James Stokes; Recreation Leader Allison Forth; Village Code Enforcement Officer Michael Adsit; Police Chief James Zophy; Town of Lenox Recreation Board Member Scott Blanchard; and Bruce Burke of PAC 99.

ABSENT: None.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve the following budget transfers: \$2,000.00 from 80201.01 (Planning Board Personal Services) to 14101.01 (Clerk Personal Services); \$7,805.84 from 51421.01 (Snow Personal Services) to 51101.01 (Street Personal Services); \$.04 from 19904.01 (Contingency) to 12101.01 (Mayor Personal Services); \$1,147.81 from 19904.01 (Contingency) to 31204.01 (Police Contractual); \$371.68 from 19904.01 (Contingency) to 33204.01 (Street Signs). Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Carpenter, to approve the General Fund Abstract in the amount of \$20,816.49. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve the Sewer Fund Abstract in the amount of \$14,674.35. Passed 5 to 0.

Delegations.

None

Department Heads.

Recreation Leader Allison Forth reviewed her report with the Board. She reported that the Spring event at the library went well. They would like to do this again next year. Fitness numbers increased since the report was published. Allison talked about needing approval to add yoga to the fitness program with classes to be held at the instructor's studio on Center Street. The Zumba class is walking in the Hall of Fame parade. They will be getting their own t-shirts. Pound has been invited to walk also. The Craft Fair date was moved to November 10. The next meeting is on Tuesday. They will be talking about a community garage sale and they will talk with Code Officer Adsit about it. The Mayor asked for an update on the existing programs. Allison advised that Little League started and is doing okay as far as she knows. Trustee Haddad reported that all of the fields need dirt. Little League received a quote - the dirt will be ordered and Little League will spread the dirt. Trustee Haddad asked about shirts for Recreation and the logo. Allison needs the artwork and it needs to be in a certain format. She will send Trustee Haddad an email. The Mayor asked about the logo. The Board discussed the t-shirts. Mayor DeShaw asked who is allowed to have a shirt.

Allison explained that the Rec Board would like to have them for events like the Craft Fair and for the Board members.

Motion by Trustee Haddad, seconded by Trustee Warner, for the Craft Fair to be held on November 10 at the school. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee McDade, that we hold yoga at the Place at Center Street studio starting as soon as we can get it set up and using the current pass program and authorizing an increase in insurance costs. **Discussion:** The Mayor asked if there is a charge to use the building. Allison responded that she is not aware of any charge. The Mayor asked Allison to come back to the Board if there is a charge. Passed 5 to 0.

The Mayor recognized Scott Blanchard from the Town of Lenox and thanked him for volunteering for the Recreation Board.

Chief Zophy needs a street closure on May 28, 2018 for the Memorial Day Parade. They will line up at Roberts Street school at 9:00 and the parade is at 10:00. Chief would like to close Peterboro Street from Maple Avenue to Route 5 at 9:50 until the parade is done.

Motion by Trustee McDade, seconded by Trustee Warner, to approve the road closure for the Memorial Day Parade. Passed 5 to 0.

Chief Zophy reported that crossing guard Christy Whaley resigned. Chief is not looking to fill the position until August. The SRO will take care of the crossing guard responsibilities through the end of the school year.

Code Enforcement Officer Adsit asked if there are any questions on his report. He noted that Dutchland is making big improvements in their progress. He gave a status report. The Planning Board met with Mike and the architect on Wednesday. They are working on drainage issues. Dutchland hopes to be done in another month. Administrator Carpenter asked about the water access issue. CEO Adsit explained that the water line that is currently available is not big enough. They are looking for options. The DPW is looking at some road repair in the area that might go along with the new water in the area. The Mayor noted that she and Mike are working on a mailing to be sent to every home with a list of popular codes that we receive frequent calls on. The Mayor talked about some of the items that will be addressed in the letter. CEO Adsit advised that he sent out 38 code violation notices for unmowed grass. The Mayor would like to get the letter out soon - 13 codes that are being addressed. The Mayor believes that this is important and that owners of rental properties should share this with their tenants. Trustee Haddad asked about the source of the mailing list. Trustee Haddad would like it to be sent to tenants and property owners

Motion by Trustee Haddad, seconded by Trustee Carpenter, appointing Susan W. Evans to the Zoning Board of Appeals to fill the vacancy with term expiring on April 6, 2020. **Discussion:** the Mayor stated that she met with Susan Evans and talked with the Board about their meeting. Susan is new to the Village and is looking forward to getting involved.

Motion by Trustee Carpenter, seconded by Trustee Warner, to confirm the appointment of Scott Blanchard by the Town of Lenox as one of its representatives to the Recreation Board to fill the vacancy created with the resignation of Allison Forth, having a term of office expiring on April 1, 2019. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee McDade, to approve the attached Agreement with the Over the Hill Gang in the amount of \$500.00 for the Fishing Derby and authorizing the Mayor to execute same. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee McDade, authorizing payment in the amount of \$500.00 to Over the Hill Gang from the General Fund (73104.01.124) upon receipt of a fully-executed Agreement. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Carpenter, accepting the attached Customer Proposal prepared by Jason Clanton and dated April 2, 2018, for the purchase of a 2019 Ford F-550 Chassis, SD Regular Cab as described therein in the amount of \$96,848.00, and authorizing the Mayor to execute said proposal and any other or further documentation as required in order to complete the purchase of said vehicle. Passed 5 to 0.

Public hearing 7:30 p.m. regarding a proposed local law entitled "A local law imposing a moratorium on the establishment of ground solar energy facilities within the Village of Canastota". The Mayor opened the Public Hearing at 7:30 and read the notice of public hearing out loud. Mayor DeShaw noted that the County returned the matter for local determination. The Mayor asked three (3) times if anyone would like to talk about the proposed local law - she received no response. The public hearing was closed at 7:34 p.m.

Motion by Trustee McDade, seconded by Trustee Carpenter, to approve the resolution adopting Local Law No. 2 regarding a moratorium on ground solar facilities. A roll call vote was taken: Mayor DeShaw - aye; Trustee Haddad - aye; Trustee Warner - aye; Trustee McDade - aye; Trustee Carpenter - aye. Motion passed 5 to 0.

The Mayor thanked the Codes Committee for their hard work and the extra meetings and thanked Attorney Jim Stokes for his work also.

The committee is presenting 6 codes for review by the Board tonight.

CEO Adsit noted that the first law tonight is having to do with Accessory buildings and sheds and he reviewed the law for the Board. Trustee McDade asked about the purpose of banning sinks, toilets and temporary occupancy of outbuildings and talked about circumstances and reasons why sinks and toilets may be useful in structures other than houses. CEO Adsit responded with information about local and state laws that would prevent occupation of a shed structure. Chief Zophy clarified that these structures that we are talking about are not on foundations. Trustee Carpenter asked about what is considered a carport. CEO Adsit stated that the State and our local laws do not address the temporary structure for carports. Mayor DeShaw asked about what changes were made from the original law. CEO Adsit advised that we did not have a law prior to this. The Mayor asked about the difference between buildings that were attached and unattached and if the sheds law would fall under the same property maintenance codes. This was discussed.

Chief Zophy talked about the local law amend Chapter 200 of the Code regarding Unmanned Aircraft Systems. He explained that the concerns were about spying and destroying property be not being a good pilot. Village Attorney Jim Stokes explained that we cannot regulate air space, but we can limit where the drones can be launched. The Mayor asked about whether someone can use a drone to look into someone's window. Attorney Stokes provided the Board with another version of the local law. Trustee Carpenter shared with the Board information about regulating air space that he obtained when he contacted the FAA. Trustee McDade finds this reminiscent of laws in the 1890s where laws were passed outlawing automobiles. He talked about instances where drone usage is being conducted by businesses and other processes that are beneficial. Trustee McDade asked if we can instead require insurance to operate a drone. He thinks that a blanket prohibition offers too many unintended consequences and spoke to the Board about educational uses for drones. Chief Zophy noted that there are exceptions in the law that would allow certain uses. Trustee McDade believes that those exceptions are not sufficient. Chief Zophy talked about his reasons for wanting and needing regulations where at least the usage will be restricted. The Mayor would like us to do some more research on this. Attorney Stokes believes that we have done all that we can do. He could tweak the language. The Mayor asked for the most up-to-date copy and remove the word "temporary" with the permit language.

The Board discussed the proposed local law to amend Chapter 144 of the Village Code with respect to parks. Attorney Stokes advised the Board that this law is to regulate the use of parks by resolution and the resolution would have the same force and effect as a law. Chief Zophy stated that this is only to authorize the Board to close parks and change things without having to create a new local law.

The Board discussed the proposed local law to amend Section 56-16 of the Village Code with respect to Penalties for Offenses. This law covers fines for animal control violations such as dogs running at large.

The Board discussed the proposed local law to amend Chapter 155 Property Maintenance, Article 1 - there was a change in this law today during the meeting of the Codes Committee. The change

in language was discussed. The Board discussed changing the time before which garbage cans can be put to the curb on the day of pickup. It was decided that it should be changed to 3:00 p.m. The 8:00 p.m. time to return the receptacles was also addressed. After lengthy discussion, the time was changed to 11:59 p.m. on the day of pick up.

The Board and Codes Committee discussed the proposed local law to amend Section 101-4 concerning open burns in the Village. Code Officer Adsit noted that page 2 of the proposed local law shows a diagram of the minimum standards to be used in the approval process. Village Attorney Stokes advised that open fires are prohibited with the exception of the activities referenced in "C" on page 2 and upon the issuance of a special permit for the activities listed in "B" on page 1 of the proposed local law. The Board discussed the law extensively.

Attorney Stokes presented the sign law for consideration by the Board. He advised that this is the same as the Board reviewed previously as the committee reviewed the law and decided not to make any changes. Code Enforcement Officer Adsit stated that he has asked for signs to be placed at the entrances to the Village saying code enforcement to be strictly enforced.

Motion by Trustee Haddad, seconded by Trustee Warner, to schedule the following public hearings: Property Maintenance local law on June 18, 2018, at 7:15 p.m.; Section 101-4 (Open Burns) on August 6, 2016 at 7:15 p.m.; Chapter 230 Zoning (with respect to signs) on July 16, 2018 at 7:15 p.m.; Chapter 230 Zoning (with respect to sheds) on July 16, 2018 at 7:20 p.m.; Chapter 144 Parks at 7:25 p.m.; Chapter 200 Unmanned Aircraft Systems at 7:30 p.m.; Chapter 56-15 Penalties for offenses at 7:35 p.m. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Haddad, accepting the attached Lease Proposal from Real Lease regarding the purchase of the 2019 Ford F-550 in the amount of \$96,868.00, with 5 annual payments of \$22,085.76 at the rate of 4.54%, and authorizing the Mayor to execute said proposal and any other or further documentation as required in order to complete the purchase of said vehicle. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Haddad, authorizing the use of the Pole Barn by Steve Perry on June 30, 2018 from noon - 9 p.m. for a graduation party pursuant to the attached request approved by the Fire Council on May 1, 2018. (Note: proof of insurance has been received.) **Discussion:** Trustee McDade asked for information about the pole barn. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, authorizing the use of the Pole Barn by Steve Perry on June 24, 2018 from 10 a.m. - 6 p.m. for a picnic pursuant to the attached request approved by the Fire Council on May 1, 2018. (Note: proof of insurance has been received.) Passed 5 to 0.

Motion by Trustee Carpenter, seconded by Trustee Warner, authorizing the use of the Pole Barn by Teri Johnson on June 23, 2018 for a graduation party pursuant to the attached request approved by the Fire Council on May 1, 2018. (Note: proof of insurance has been received.) Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee McDade to approve payments totaling \$916.58 from the General Fund to MBI for health insurance debit card transactions from April 1, 2018 to April 30, 2018. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Haddad, authorizing use of the Village credit card to make payment to Moniker.com in the amount of \$11.99 for the annual renewal of our website domain canastota.com. Passed 5 to 0.

Motion by Trustee Carpenter, seconded by Trustee McDade, approving a credit in the amount of \$175.60 in favor of Richard Smith, representing approximately 58% of the sewer charges assessed on the 3/31/18 OCWA bill concerning premises located at 302 High Street. (Note: The reason for the increased consumption was a toilet leak that has been corrected.) Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee McDade, approving a credit in the amount of \$263.09 in favor of SOD Investors, LLC, representing approximately 60% of the sewer charges assessed on the 3/31/18 OCWA bill concerning premises located at 211 S. Park Street. (Note: The reason for the increased consumption was a broken pipe in the kitchen wall that has been repaired.) **Discussion:** Trustee Warner asked if Code Enforcement Officer Adsit had checked this out. The Mayor suggested that Trustee Warner check with him. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Haddad, approving a credit in the amount of \$57.70 in favor of Gerald Roach, representing approximately 41% of the sewer charges assessed on the 3/31/18 OCWA bill concerning premises located at 315B Roberts Street. (Note: The reason for the increased consumption was a toilet leak that has been corrected.) Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee McDade, approving a credit in the amount of \$107.95 in favor of Lynn Chafee, representing approximately 44% of the sewer charges assessed on the 3/31/18 OCWA bill concerning premises located at 114 Diamond Street. (Note: The reason for the increased consumption was a toilet leak that has been corrected.) Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee McDade, approving a credit in the amount of \$119.02 in favor of Mae Kenyon, representing approximately 57% of the sewer charges assessed on the 3/31/18 OCWA bill concerning premises located at 102 Getmac Avenue. (Note: The reason for the increased consumption is not known. Reportedly, the house has been vacant for 2 years and service was shut off at the curb by OCWA at the request of the owner on 4/1/18.) **Discussion:** Trustee Carpenter asked what happens when the water is turned on and this happens again.

Clerk/Treasurer Williams advised that OCWA will only consider a credit once every 5 years. Passed 5 to 0.

Correspondence.

None

Administrator.

Administrator Carpenter shared good news about the leak at the pool. We put a camera in the 6 inch line and found a leak. The parts have been ordered and will be in tomorrow. Administrator Carpenter reminded everyone about the Memorial Day parade next Monday. He reported that the DPW is working on the bathroom at the Rec Field - the Town of Lenox is going to pay ½ of the cost. We have replaced all of the electric in that building and got rid of a lot of junk. Administrator Carpenter advised that the BOCES kids will be here this summer - it should be a larger crew this year - 14+ kids. Administrator Carpenter talked about plans for the kids and asked if anyone had anything that they would like the kids to do.

Mayor.

The Mayor noted that she and CEO Adsit have been looking into the issues for Dutchland to keep them on track. She has been talking with them about the fence that runs along the Canal. It is owned by the Canal Corp. The Mayor is also working with DEC and Canastota N/C Corp. About an adjacent parcel that is contaminated. The Mayor talked about the history of the contamination and stated that Brian Bowers has been offering to work with Canastota N/C because they are on the site already. Mayor DeShaw advised that the completion date has been moved out to July and the grand opening will be some time in September. The CEO wants to have a completion ceremony when everything is done and up and running. The Mayor noted that they are excited.

Mayor DeShaw and Administrator Carpenter are continuing to work with other businesses in the Business Park. There will be further discussions on this. The other companies are still in the development phase - the Mayor met with the owner that wants to buy 3 lots in the Park. She is working with them on grants.

The Mayor attended the REDC meeting at LeMoyne and reported that the last round of funding is coming out in the end of July to beginning of August. She and Administrator Carpenter will be working with new and existing companies so that they know what is available.

Mayor DeShaw has spent 20 hours with the Beautification Committee. The Banners will go up tomorrow at 6:00 p.m. The pots will be out prior to Memorial Day. The baskets have been ordered -

there are 7 for Canal Street. The pots will stay on Canal Street - this is something new for this year.

Mayor DeShaw went to the Town meeting. The fire department turn-out gear was discussed as well as the help with bathrooms at the Rec Field. Thursday night the Beautification Committee will be planting in front of Peterboro Street School. It will not be as large an area as was in the past. Some students will be working with them. The Mayor has asked for the bill to be sent to us. The committee is working on the pots at the 911 park. They will be changing them so that they match the pots. Mayor DeShaw reported that she ordered new signs for Carmen Basilio and Billy Backus to put under the entrance signs. She has had requests from the community about where the signs were.

The Mayor has been working with people on code complaints and public nuisance and people putting things by the road. The Mayor has asked the Board to carry orange tickets so that they can tag something by the road when they see it. The Board can get the tickets from Clerk/Treasurer Williams.

The vacancies on the ZBA were discussed.

Trustee Comments.

Trustee Haddad is looking for the Village to partner with the school to talk about casino revenue that comes through the County and asked if the Village is willing to partner on a resolution about this. After some discussion, the Mayor stated that she would like to discuss this in executive session.

Trustee Warner asked if we did the Mutual Aid Agreement with Madison County. Administrator Carpenter will check on this and get back to Trustee Warner. Trustee Warner reported that Community Day will be on August 4, 2018. She asked if we had heard anything about the floor replacement upstairs in the fire house. Administrator Carpenter advised that the Village does not have the money to replace that. The Mayor will talk with Chief McFall tomorrow night. Administrator Carpenter would rather the bathrooms be done and we work on an elevator.

Trustee McDade is all set.

Trustee Carpenter is all set.

Motion by Trustee Haddad, seconded by Trustee Carpenter, to enter executive session at 9:33 p.m. for possible legal matters. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee McDade, to exit executive session at 9:58 p.m. Passed 5 to 0.

Village of Canastota
Minutes
May 21, 2018
Page 9 of 9

Motion by Trustee Haddad, seconded by Trustee McDade, to adjourn at 9:58 p.m. Passed 5 to 0.

Respectfully submitted,

Catherine E. Williams

Catherine E. Williams
Clerk/Treasurer