

VILLAGE OF CANASTOTA
MINUTES
August 6, 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 Bill Haddad; Trustees Jeff Carpenter, Rosanne Warner and Bill McDade; Village Administrator Larry Carpenter; Recreation Specialist Sarah Forth; Recreation Leader Allison Forth; Deputy Clerk/Treasurer Karen Galavotti; Chris Carrick of CNY Regional Planning and Development; Susanne Carpenter; Planning Board Member Donald Forth; Residents Todd Rouse, Natalie Gustafson, Kim Nowakowski and Margaret DeHaan; and Bruce Burke of PAC 99.

ABSENT: None.

Motion by Trustee Carpenter, seconded by Trustee McDade, to approve the minutes from the June 18, 2018, regular meeting. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Haddad, to approve the following budget modification: increase 19304.01 (Judgments and Claims) to \$12,064.05 (to accommodate payment for Weston Bakeries assessment reduction); increase 2260.01 (SRO Revenue) by \$5,614.44; increase 31201.01 (Police Personal Services) by \$6,667.60; increase 90308.01 (Social Security) by \$510.07. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Carpenter, to approve the following budget transfer: move \$5,476.48 from 13251.01 (Administrator Personal Services) to 14101.01 (Clerk Personal Services). Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Warner, to approve the General Fund Abstract in the amount of \$100,734.64. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve the Sewer Fund Abstract in the amount of \$14,507.72. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Carpenter, to approve the Economic Development Fund Abstract in the amount of \$4,507.77. Passed 5 to 0.

Chris Carrick of CNY Regional Planning & Development gave a presentation to the Board on the Solarize CNY Initiative. Chris reviewed with the Board the Solarize CNY Program. He is working with NYSERDA to help communities use and bring solar energy in a more efficient manner. Chris stated that after research and an RFP, Abundant Solar Power was chosen. They are working on the Power Purchase Agreement and Lease Agreement for each community. Chris advised that they are also working with the State on some new requirements. Trustee McDade asked if the State is making it more expensive. Chris explained that it is more expensive, but the revenue that can be generated has been lowered as a result. Trustee McDade asked if these new developments in the State will change the cost benefit analysis. Chris explained that Abundant Solar has agreed to keep the

cost the same as in the original Agreement. Administrator Carpenter referenced the handout that Chris provided. Chris explained the information contained on the handout. The projected savings over the 25 years of the contract is \$655,963.65 or 10%. The current proposal is to build only on the Waste Treatment Plant property. Our project is in the middle in size compared to other projects. The Mayor asked Chris to pause for a moment so that we can hold our public hearing scheduled for 7:15 p.m.

Public Hearing - 7:15 p.m. - to consider a proposed local law entitled “A local law to amend Section 101-4 of the Code of the Village of Canastota” with respect to open burning in the Village. The Mayor opened the public hearing explained that this law was brought forward by the Codes Committee. The Mayor read the Notice of Public Hearing out loud. Mayor DeShaw asked if anyone wanted to speak for or against the proposed local law. Natalie Gustafson addressed the Board. She stated that she has experience on the CNY Regional Planning Board as well as the County Planning and Town Planning Boards. Natalie is concerned about the air pollution that is caused by burning. She stated that she believes that it is a nuisance. Trustee Haddad thanked Natalie for her service and appreciates her being here tonight. He explained that in today’s law, you can burn household papers and have a fire for cooking. Trustee Haddad further explained that the Committee tried to put in some protections in the new law - the new law requires that someone register with the Code Officer and requires that it be contained. It also specifically prohibits burning garbage and leaves. Trustee Haddad stated that there will also be fines now in place for violators. Residents can call and make a complaint - the fire must be extinguished and the permit revoked. Natalie Gustafson would like to see no open burning at all in the Village. Trustee Haddad spoke about fireplaces, heating with wood and pellets stating that it would be the same burning technique. Trustee Haddad wants to make sure that people understand that it is not about burning for disposal - it is burning a small fire to sit at for family time. Todd Rouse thinks that we need to understand that we do not live in a rural area. He stated that the Fire Marshal is the Fire Chief and Assistant Fire Chiefs - not the police officers. He explained that the current law was to address the 55 gallon drum used to burn household papers with a grate over the top of the drum - not an open burn. Mr. Rouse further stated that people standing around a fire with a hotdog is not what the law had intended. The new law opens up the use of fire pits. He suggested that we could restrict this to the controlled pits that can be purchased as units. Mr. Rouse doesn’t believe that we have enough people to police this and determine what is dry wood. He also doesn’t suggest that we issue 1-year permits but that we use a smaller amount of time. Under Section (B), the Fire Chiefs as Fire Marshalls need to enforce this. Section (C) is what is existing and Mr. Rouse suggested that we could define outdoor cooking and not-for-profit organizations, but he does not think that this is necessary - we should just define what cooking means. Mr. Rouse stated that Section 101-5 is not property under our current code. He also wants to know how we will determine that something is a nuisance. He applauds us for doing something on this, but believes that it is a mistake with the definition that is used for fire pits and suggests that we look at the Village of Liverpool laws on this. Mr. Rouse believes that under our current authority, we have the ability to control this, but does not believe that we can enforce the new law. Mayor DeShaw asked if there was anyone that wanted to speak. Natalie Gustafson asked

what precipitated this law. Trustee Warner advised that the committee was asked to review this by the Mayor and noted that we have been getting several calls on this matter. Trustee Warner talked about why the committee began working at this and what research they did. She also spoke about the Uniform Fire Code with respect to outdoor burning. Trustee Warner explained that this has been challenging for the committee because there are people in favor of and people against. She explained that they looked at limiting it to certain zoning districts and talked about the problem with determining what is a fire used for cooking. Mr. Rouse believes that the current proposed law gives the right to have fire pits. Trustee Haddad thinks that there are no penalties in our current law. Mr. Rouse thinks that we should define what cooking is and that we cannot enforce the law as it is. The Mayor advised that the Codes Committee is responsible for reviewing all codes and this is none of them on the list. The Mayor is not in favor of this law. The Mayor asked for a third time if anyone would like to comment. Don Forth stated that New York State does not call this a campfire and advised that they are called recreational fires. He would like to see us narrow it down to a manufactured apparatus. He stated that as a code officer, without a definition it is hard to enforce because it is open to opinion. Mr. Forth would like us to call it recreational fire to be consistent with the State Code. He would like us to narrow down who is being called out for enforcement. Mr. Forth spoke about using State laws in place to determine what the fire can be. He believes that the property owner should be the permit holder even if it is a non-owner occupied property. Margaret DeHaan lives on Hickory Street and has a chiminea. She asked about where it has to be located. Code Enforcement Officer Adsit reviewed the distance requirements under the State code. Ms. DeHaan can't move the pit to be in compliance with State or local laws. The Mayor asked when the Codes Committee will address this again. Trustee Haddad advised that the Committee meets again in September and they will take another look at this. Trustee Warner thanked everyone for their participation and concurred that the Committee will take another look at this. The Mayor closed the public hearing at 8:01 p.m.

The Mayor returned discussion to Chris Carrick of CNY Regional Planning & Development and the Solarize CNY Initiative. Administrator Carpenter reviewed with the Board the circumstances that lead to the Village receiving one of the \$100,000 grants that brought us to our participation in the Solarize CNY Initiative. The Mayor thanked Chris for waiting through our public hearing. Trustee Haddad asked how much over flow there will be. Chris stated that there won't be any over flow and it will cover about 25% of the Village's need. Trustee McDade still doesn't see all of the expenses to the Village. Administrator Carpenter advised that this is a lease agreement. No cost to the Village. Trustee McDade understands now that the Village will not incur any expenses.

Motion by Trustee Haddad, seconded by Trustee McDade, to approve the Power Purchase Agreement between the Village of Canastota and Abundant Solar Power (CA1) LLC. **Discussion:** Trustee Warner asked if Attorney Jim Stokes has approved this. The Mayor indicated that he has. Passed 5 to 0.

Delegations.

Todd Rouse asked if the Agreement with Abundant Solar Power will benefit the Waste Water Treatment Plant. Chris Carrick explained that this will cover the need at the treatment plant. He spoke about how it will work. Mr. Rouse asked about how we got around the requirement that one Board cannot bind a future Board. He asked that we question this. Chris Carrick stated that Article 9 of New York Energy Law allows this.

Allison Forth, Recreation Leader, asked for approval for Paint with Us on August 20 at the Three Pines. She explained how this would work. The fee will be paid directly to K&C Ceramics. New fitness prices are being proposed for approval. The fees were reviewed.

Motion by Trustee McDade, seconded by Trustee Carpenter, to approve the new pricing (In District: 6 classes \$25; 12 Classes \$45; 18 Classes \$65; 24 Classes \$85. Out of District: 6 Classes \$40; 12 Classes \$75; 18 Classes \$110; 24 Classes \$145). Carried 5 to 0.

Sarah Forth asked about how approval will work going forward. The approval process was discussed.

Motion by Trustee Haddad, seconded by Trustee McDade, to adopt Local Law 4-2018 amending Chapter 230 (Zoning) of the Code of the Village of Canastota with respect to signs. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee McDade, to adopt Local Law 5-2018 amending Chapter 230 (Zoning) of the Code of the Village of Canastota with respect to accessory sheds. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Carpenter, to adopt Local Law 6-2018 amending Chapter 144 of the Code of the Village of Canastota with respect to parks. **Discussion:** Don Forth stated that it would have been nice to have the Planning Board know in advance that changes to the zoning laws were being made. The Mayor would like the Codes Committee to work with the Planning Board on future laws affecting zoning. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Haddad, to adopt Local Law 7-2018 amending Chapter 200 of the Code of the Village of Canastota to regulate the use of unmanned aircraft systems in the Village of Canastota. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Haddad, adopting Local Law 8-2018 amending Section 56-15 of the Code of the Village of Canastota with respect to penalties for certain offenses. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Carpenter, approving the attached Agreement between the Village and the Canastota Central School District concerning the SRO for the 2018-2019 school year and authorizing the Mayor and Police Chief to execute same. **Discussion:** Trustee Haddad asked if this has gone to the school. Mayor DeShaw confirmed that it had. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee McDade, approving a credit in the amount of \$110.66 in favor of Margaret Jo Danesi, representing approximately 53% of the sewer charges assessed on the 6/29/18 OCWA bill concerning premises located at 117 W Chapel 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 Carpenter, authorizing Clerk/Treasurer Catherine E. Williams and Mayor Carla M. DeShaw as signatories on all Village accounts and authorizing the Clerk/Treasurer and Mayor to execute any and all documents required by Community Bank to have former Village Administrator Larry Carpenter removed as a signatory on all Village accounts. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee McDade, approving a wire transfer sent to M&T Bank on August 1, 2018, from the Sewer Fund (97107.02 Interest on Debt Service) in the amount of \$5,318.53 for interest owed on the EFC Phase 3 & 4 Bonds. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Carpenter, authorizing a wire transfer to be sent to M&T Bank on or about August 15, 2018, from the Sewer Fund (97107.02 Interest on Debt Service) in the amount of \$1,200.00 for administrative fees owed on the EFC Phase 3 & 4 Bonds. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Carpenter, to approve the attached Resolution Adopting a Public Notification Plan for CSO Discharges to the Great Lakes Basin Pursuant to USEPA Regulations. (Note: The Publication Notification Plan is also attached.) Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee McDade, to approve the attached request of Clerk/Treasurer Williams to attend the annual Fall Training School in Lake Placid, New York sponsored by NYCOM and the OSC, from September 23, 2018 - September 28, 2018, at a cost of \$1,361.68 for sponsored meals and lodging and \$295.00 for registration. Reimbursement for mileage at the scheduled rate is also approved. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Carpenter, to approve the attached Agreement between the Village and the International Boxing Hall of Fame, Inc., in the amount of \$8,000.00 for publicity during fiscal year June 1, 2018 - May 31, 2019, and to authorize the Mayor to execute same. Authorization for Clerk/Treasurer Williams to issue payment to the International Boxing Hall of Fame in said amount upon receipt of a fully-executed contract is also given. **Discussion:** Trustee Warner asked if we received an accounting from Ed Brophy for this year. Clerk/Treasurer Williams

does not recall receiving that yet. The Mayor has received copies of the publicity that was done for this year's event - it was extensive. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee McDade, to approve the attached Agreement between the Village and the Canastota Canal Town Corporation in the amount of \$10,000.00 for support of the Canastota Canal Town Museum during fiscal year June 1, 2018 - May 31, 2019, and to authorize the Mayor to execute same. Authorization for Clerk/Treasurer Williams to issue payment to the Canastota Canal Town Corporation in said amount upon receipt of a fully-executed contract is also given. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee McDade, to approve the attached Agreement between the Village and the Canastota Canal Town Corporation in the amount of \$2,000.00 for publicity during fiscal year June 1, 2018 - May 31, 2019, and to authorize the Mayor to execute same. Authorization for Clerk/Treasurer Williams to issue payment to the Canastota Canal Town Corporation in said amount upon receipt of a fully-executed contract is also given. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee McDade, to approve the attached Agreement with The Canastota Community Band in the amount of \$1,425.00 for performances during the June 1, 2018 - May 31, 2019 fiscal year and to authorize the Mayor to execute same. Authorization for Clerk/Treasurer Williams to issue payment to the Canastota Community Band upon receipt of a fully-executed contract is also given. **Discussion:** The Mayor asked that we contact this organization and ask if a different name - Cazenovia Community Band - is also used. Passed 5 to 0.

Motion by Trustee McDade, seconded by Trustee Carpenter, to approve the attached Memorandum of Understanding between the Village of Canastota and the County of Madison Emergency Management Office regarding the use of the County Training Facility for Emergency First Responder Training. **Discussion:** Trustee Warner asked if this was approved by the Fire Department. Administrator Carpenter confirmed that it was. Passed 5 to 0.

Correspondence.

- Letter from EFC regarding a public hearing on the IUP.

Administrator.

Administrator Carpenter noted that today is his last day in the office as he is retiring - he has enjoyed working with the residents of the Village and the Board.

Mayor.

The Mayor spent a lot of time with Dutchland this week. The project is a couple of months behind. They are still looking at a mid-September event with the Governor's office. Dutchland is hoping to be in the building by September 1. A CFA was sent in by Brian Bowers for funding to further develop that site. There is more acreage that he is working on purchasing and he is speaking with potential lessees. The Mayor advised that the CFA is awarded in December. Mayor DeShaw commented that it is a beautiful building and things are moving along.

The Mayor met with DPW Foreman Tornatore to keep projects going. They have discussed Barlow Street and the paving. Brian Bowers wants to do a historical monument and is working on putting that together - he is talking with Joe DiGiorgio.

The Erie Canal Brewery needs to find a facility for a brew house and a distribution site for a bottling cooperative. The Mayor and Bob wrote a CFA under Erie Canal Brewery. They spoke with Empire State Development and received some good feedback. With some luck, the Mayor believes that they will have the bottling facility here in the Village. They have looked at a couple of buildings here - one in the Business Park, which has now been sold, and new lots in the Business Park to possibly build as well as the Barlow Street Project.

Mayor DeShaw has been working with Supervisor DiVeronica and she was hoping to have the Agreement to discuss tonight regarding the highway superintendent. The Mayor is hoping to have that before our next meeting and asked the Board members to look at it.

The Mayor talked about the sewer agreement with the Town. She is trying to figure out what the Town is doing and what they want to do. She has talked with Supervisor DiVeronica about this - the issue is that there is a request that we allow development all up Route 5 even though that is not part of the original agreement. The Mayor spoke with CFR owners about what is going on with the sewers. The Mayor talked about the history of the sewer allocation and what is left for development in the Village. Trustee Warner asked if anything came of the request to have the Town give back allocation. The Mayor stated that they are not willing to give anything back. The Mayor thinks that we should have some meetings on this. Trustee Haddad believes that the Town attorney needs to get back to our attorney.

The Mayor gave a presentation on behalf of retiring Administrator Carpenter.

Trustee Comments.

Trustee Carpenter congratulated Administrator Carpenter.

Trustee McDade congratulated Administrator Carpenter.

Trustee Warner congratulated Administrator Carpenter. The advised the Board that Community Day is on August 11 and that Trunk or Treat will be in October. Trustee Warner noted that we are waiting on the Mutual Aid Agreement from the County. The Mayor gave an update on the traffic light meeting. Mayor DeShaw, Chief Zophy, Fran Pratt, Code Enforcement Officer Adsit, and Jim Pappaleo of DOT met on Friday. The DOT gave us the data from the warrants. The Mayor stated that right now we do not meet any of the data from the warrants and the traffic is down. The Mayor does not think that we will meet the data for the warrants. They did talk about the Fire Department and they talked about the sight limits on the Diamond Street bridge. The Mayor stated that a call came in during the meeting about a near miss that the caller had at the intersection. The information is on the Mayor's FaceBook page. There will be another meeting in a couple of weeks. The Mayor stated that a public letter-writing campaign is the only thing that will save the light at this point. Mayor DeShaw talked about who the letter needs to be sent to - Linda Lubey at the DOT. Todd Rouse talked about asking for a cross walk at the Post Office if the light is removed. He also gave some history of these efforts in the past.

Trustee Haddad thanked Administrator Carpenter and reported that he had a successful meeting with the Codes and Beautification Committees. He commented that they are a good cross-section of community members and that they have a very nice agenda that they are following. Trustee Haddad added that CEO Adsit answered most of the questions and they talked about some other questions about open burning. He also commented that Recreation is doing a great job.

Motion by Trustee McDade, seconded by Trustee Carpenter, to adjourn at 8:55 p.m. Passed 5 to 0.

Respectfully submitted,

Catherine E. Williams

Catherine E. Williams
Clerk/Treasurer