

**TOWN OF CANTON REGULAR
BOARD MEETING
6:00 PM
February 13, 2019
Minutes**

Present: Supervisor Mary Ann Ashley, Deputy Supervisor Bob Washo, Council members James Smith, Phil LaMarche and Tim Danehy

Also in Attendance: Attorney Dan Ramsey, Town Clerk/Tax Collector Lisa Hammond, Economic Development Director Leigh Rodriguez, Code Enforcement Officer Jeff Murray, Village of Rensselaer Falls Mayor Michael Hammond, Village of Canton Trustee Carol Pynchon, Toby Irven, Dan & Lyne Soulia

Absent: Historian Linda Casserly, Highway Superintendent Terry Billings and Assessor Steve Teele

A. Call Meeting to Order: Supervisor Mary Ann Ashley called the meeting to order

B. Public Comment:

Ann McLaughlin of 892 Butternut Ridge Rd spoke on the benefits of cannabis and asked the Canton Town Board for their support in educating themselves and others in the community to the benefits of cannabis use. It was decided to place this matter on the March agenda.

C. County Legislature Representative(s) Updates(s): none

Discussion was held on the Legislators not attending Town Board Meetings on a regular basis. The board members want to hold discussions on shared services and cannabis. Supervisor Mary Ann Ashley to make contact with the three legislative representatives about taking turns appearing at the board meeting.

D. Approval of Minutes

Regular Meeting Minutes January 16, 2019

Motion made by Council member Jim Smith, seconded by Council member Bob Washo, all voted in favor. Motion carries.

Special Meeting Minutes January 23, 2019

Motion made by Council member Jim Smith, seconded by Council member Phil LaMarche, all voted in favor. Motion carries

E. Supervisor Report:

John Gray of Gray and Gray read over the hand out that was provided. Questions and answers were received and fund balances were discussed.

Continuing discussion was held on Special Lighting of the on-going balance.

Gray reported that the increase of almost \$10,000 was in 2009. A decrease of \$10,000 was shown in 2015, Gray will dig deeper to try to find an explanation of these activities. At the end of 2018 there is a fund balance of \$14,305.33 in the "SL" account.

F. Audit Committee:

A: \$32,057.48

B: \$1,958.79

SL: \$388.57

SM: \$433.16

TA: \$14,040.05

DA: \$47,031.67

SF: \$84,424.00

Motion made by Council member Tim Danehy to approve expenditures, seconded by Council member Phil LaMarche, all voted in favor. Motion carries.

Council member Bob Washo asked why highway signage is coming out of the "A" account. Supervisor Mary Ann Ashley stated that there are two-line items in the A account, transportation administration and transportation garage highway. Supervisor Ashley was asked to contact the comptroller's office to ask why these two accounts are in the A fund and not the DA fund. Ashley to report next month

G. Acceptance of Department Reports:

Tax Collector Lisa Hammond reported that the Town has been paid in full and that she is making payments to the County.

Code Enforcement Officer Jeff Murray requested that the Town Board members consider changing the rate fee on Commercial roofing. Discussion was held on the current fee schedule for permits, it was decided that Council member Tim Danehy will work with Murray to come up with a spreadsheet that works for the Town. Matter was tabled for consideration.

Council member Bob Washo asked Supervisor Mary Ann Ashley if the NYMIR report has been received back, and Ashley stated that nothing has been received and that she will call them to find out the status. Washo stated that he was asked by NYMIR if the Town did audits of fuel use at the Highway Barn and Washo said no. Washo added that NYMIR recommended having an ongoing inventory of usage and what equipment it is being used in, type of fuel and the operator of the equipment. Discussion was held and it was decided that the highway committee

will talk with Highway Superintendent Terry Billings about starting to show monthly gas reports.

Discussion was held on the DMV LENS service showing driving records of Highway employees. Council member Bob Washo stated that this is also a recommendation of NYMIR. Supervisor Mary Ann Ashley to discuss with Highway Superintendent Terry Billings and sign up if he has not already done so.

Motion was made by Council member Jim Smith to accept Department reports as presented, seconded by Council member Phil LaMarche, all voted in favor. Motion carries.

H. Committee Reports:

Committee member Phil LaMarche stated that he and member Jim Smith met with the Justice Court and they expressed their concerns about the condition of the municipal building court room and offices. Discussion was held and it was decided to go forward with a Municipal Facilities needs Assessment RFP

Committee member Bob Washo stated that the Trails committee met with Canton Central School Superintendent Ron Burke about issues with State Street and the new ball fields, including the National Grid property.

Committee member Phil LaMarche stated the Recreation committee interviewed six candidates for the Recreation Director position last week.

Committee member Bob Washo stated that the Sustainability committee met over the issue of food waste. Washo added that some initiatives are going on between Canton Central School and Co-Operative Extension about using their bio-digester at the Extension. Washo stated that Canton School will be receiving a small bio-digester through a grant through Clarkson University for teaching purposes.

Committee member Mary Ann Ashley stated that the Waterfront Advisory committee met and is trying to wrap up the Blue Way Trail grant and signage.

Committee members Jim Smith and Carol Pynchon stated that a Comprehensive Plan meeting was held with members getting together to compile all the information that was received. Pynchon reported that questions and concerns were sent back to MJ Engineering.

Mary Ann Ashley reported that the Fire Prevention Task Force has met and the next meeting will be March 6th @ 6 p.m.
The CCRC will also be meeting the same day @ 4:45p.m.

I. Old Business:

1. Department Audits Update:

Supervisor Mary Ann Ashley stated that she reached out to three individual people about conducting department audits and they are not interested. Discussion was held and it was decided to have Supervisor Ashley contact PINTO Accounting Firm to see if they are interested. John Gray added that a CPA can do an internal audit of the department, but if fraud is found all the CPA can do is make the Town aware of it.

2. Fire Contracts:

Supervisor Mary Ann Ashley stated that Morley and Pyrites have both signed their Fire Contracts and they have been processed. Canton and Rensselaer Falls have final drafts and will finalizing them as soon as possible.

3. Dog Pound Services Agreement:

Motion was made by Council member Jim Smith and seconded by Council member Bob Washo to approve the Dog Services Agreement with Dan Moyer, all voted in favor. Motion carries.

See attached agreement

Council member Bob Washo added that he, Supervisor Ashley, Canton Village Mayor Mike Dalton and Trustee Carol Pynchon met and agreed on doing an RFP for Dog Control Officer and Kenneling for 2020.

4. Set Mileage Reimbursement Rate:

Supervisor Mary Ann Ashley reported that at the organizational meeting there was a motion made to keep the mileage at .50 cents a mile. Ashley stated she feels the Town should be at the Federal rate of .58 cents a mile.

Motion was made by Supervisor Mary Ann Ashley and seconded by Council member Phil LaMarche to increase the Town mileage to the 2019 IRS mileage rate to .58 cents. All voted in favor. Motion carries.

Council member Tim Danehy added that this for the year 2019 and will be reviewed each year at the organizational meetings.

5. Solar Law Update:

Council member Bob Washo reported that he and Attorney Eric Gustafson corresponded through emails and the final draft will go back the to committee to share with the Planning Board. A clean copy will come out for board

review. Council member Phil LaMarche recused himself from further Solar discussion as he has been approached about possibly putting solar on his property. Council member Bob Washo requested that LaMarche be removed from any further email lists going forward.

6. Broadband Update:

Supervisor Mary Ashley reported that Attorney Eric Gustafson suggested that the Town not send a non-discloser to Charter Communications but instead write a letter, stating what the Town's concerns to the Public Service Commission stating what the Town's concerns are in getting properties back on the Broadband list.

J. New Business:

1. Appointment of Sole Town Assessor:

Supervisor Mary Ann Ashley stated that the new Town Assessor Candidate Cindy Brand of Massena was chosen at \$42,000 a year with a probationary appointment up to September 2019. Ashley added that Brand will not be taking health insurance benefits, therefore will receive the buyout if permanently appointed. Brand is already a member of the New York State Retirement System. Start of employment will be March 1st, 2019. Current Assessor Steve Teele will assist with the transition.

Motion was made by Council member Tim Danehy to appoint Cindy Brand as Assessor effective March 1st, 2019 as stated in above paragraph, seconded by Supervisor Mary Ann Ashley. All voted in favor. Motion carries.

2. Zoning Board Member Recognition:

ZBA member Janet Favro was unable to attend the meeting – matter tabled

3. Animal Control Officer Appointment:

Council member Bob Washo made a motion to appoint Jim Pipher as Dog Control Officer for calendar 2019, seconded by Council member Phil LaMarche, all voted in favor. Motion carries.

Council member Bob Washo noted that Pipher knows that there is an RFP going out to replace him for calendar 2020

4. Consider Zoning Board Appointment:

Motion was made by Council member Bob Washo to appoint John Taillon to a five-year term on the ZBA, term expiring in 2023, seconded by Council member Jim Smith. All voted in favor. Motion carries.

5. Consider Highway Trailer Purchase:

Discussion was held on the purchase of a New Felling XF2 HDG trailer for the highway department. Discussion was held on a long-term purchase plan for the Highway equipment.

Motion was made by Council member Phil LaMarche to purchase a New Felling XF-2 HDG trailer at State Contract price of \$62,011 from Tracy Road Equipment, seconded by Council member Bob Washo. All voted in favor. Motion carries.

Brief discussion was held on a referendum making the Highway Superintendent appointed.

6. Highway HEO Appointments:

Supervisor Mary Ann Ashley stated that Highway Superintendent Terry Billings upgraded two highway employees Kyle Garrett and Sean LeValley from MEO and HEO on 1-14-2019. Pay increase took place two weeks later.

7. Highway Policy Authorization to Post Roads:

Supervisor Mary Ann Ashley reported that three policies were sent out to the board members for review and approval. Discussion was held on the language for two of them.

Motion made by Council member Bob Washo to accept policy to Post Roads as presented, seconded by Council member Jim Smith, all voted in favor. Motion carries.

See attached Policy

8. Highway Policy Snow/Ice Road Maintenance: Tabled to go to Attorney Gustafson for review.

9. County Agreement to Spend Highway Funds:

After discussion was held on the agreement, Council member Bob Washo to reach out to Don Chambers at the County Highway Department to get clarity.

10. Discuss Highway Hold Harmless Resolutions-
County/Dekalb/Lisbon/Oswegatchie/Pierrepont/Potsdam/Rensselaer
Falls/Russell

Council member Bob Washo made a motion to approve Hold Harmless Resolution with St. Lawrence County Highway, seconded by Council member Jim Smith, all voted in favor. Motion carries.

See attached resolution

Remaining resolutions tabled

11. Consider Town Joint Town/Village Board meeting dates:

A joint meeting with the Village of Canton will be held March 11, 2019 tentatively.

A meeting with the Canton Highway committee, the Mayor of Rensselaer Falls Michael Hammond and Deputy Mayor Charles Fifield will be held on March 25, 2019 at 3:30 pm in the Municipal Building. Mayor Hammond gave a brief explanation of the reason for the meeting stating billing issues, when and what work is done in the Village of Rensselaer Falls. Hammond feels it is important to hold this meeting before holding a joint meeting. A tentative date for the Town of Canton and the Village of Rensselaer Falls joint meeting may be March 13 or 14, 2019.

12. Discuss Town of Canton Emergency Preparedness:

Supervisor Mary Ann Ashley expressed her concerns of the 1995 out dated emergency plan that exists in the Town of Canton. Ashley wants to come up with a new plan or at least update the current one. Item tabled. Matter tabled

13. Canton Canoe Weekend:

Tabled to March

14. Rensselaer Falls Fire Department Annual Banquet:

March 30, 2019 Council member Bob Washo plus guest council member Phil will be attending the banquet.

15. Municipal building assessment needs RFP

Council member Phil LaMarche approve moving forward with the Village of Canton on a RFP for the Municipal Building assessment RFP, seconded by Council member Tim Danehy, all voted in favor. Motion carries.

16. Morley Fire:

Supervisor Mary Ann Ashley read a letter from the Morley Fire Department, third assistant chief Mark Crosby requesting money to help pay for a new roof that had to be put on the Morley Fire Station.


Motion was made by Council member Bob Washo to give \$5,000.00 to the Morley Fire Department for the roof replacement, seconded by Council member Tim Danehy. All voted in favor. Motion carries.

Council member Jim Smith abstained from voting

- K. Public Comment: Toby Irven asked for reports to be available for the public. Irwin also stated that audit and internal control are two very different matters, Which was discussed earlier in the meeting.
- L. 8:25 p.m. Council member Tim Danehy made a motion to go into Executive Session: Upon a majority vote upon a motion that identifies the subject to be considered, the Council may conduct an executive session to discuss any of the issues identified as proper by Public Officers Law 105 (1) H and F, seconded by Council member Phil LaMarche. All voted in favor. Motion carries.

10:00 p.m. Council member Tim Danehy made a motion to come out of executive session, seconded by Council member Jim Smith, all voted in favor. Motion carries.

Respectfully Submitted


Lisa A. Hammond

Daniel Moyer
PO Box 351
Gouverneur, NY 13642

RECEIVED
DATE 12/4/18

**Agreement for Dog Pound Services
For the Calendar Year 2019**

This Agreement is by and between Daniel Moyer's Pound and the Town of Canton ("the Town"), State of New York, Collectively Daniel Moyer's Pound and the Town may be referred to herein as "the Parties".

Whereas, the Town seeks to comply with the applicable provisions of the New York State Agriculture & Markets Law, and the rules and regulations promulgated it, for the control of dogs; and

Whereas, Daniel Moyer's Pound seeks to have contract with the Town to provide dog pound services for seized dogs.

NOW, THEREFORE, in consideration of their covenants and promises herein, the adequacy of which is hereby acknowledged, the Parties agree as follows:

1. The Town's current Dog Control Officer may bring to Daniel Moyer's Pound such stray dog(s) that he/she deems proper for sheltering there.
2. New York State Police Officers may bring to Daniel Moyer's Pound any legitimately stray dog(s) from the Town and/or Village.
3. The Parties understand and agree that Daniel Moyer's Pound will accept dogs during reasonable business hours.
4. Daniel Moyer's Pound will provide and maintain pound for seized dogs, will provide care for all dogs accepted at the facility, with board and keep for any mandated period; and thereafter will humanely euthanize or make available for adoption seized dogs not redeemed as provided in Article 7 of the New York State Agriculture & Markets Law. Daniel Moyer's Pound shall at all times be under the care and charge of a competent employee.
5. In consideration of the services to the Town, Daniel Moyer's Pound shall invoice and receive from the Town the sum of \$15.00, per day for boarding and keep per dog. In addition, Daniel Moyer's Pound shall invoice and receive from the Town, the sum of \$50.00 for euthanasia and burial should it be required after any mandated time period has expired and provided in Article 7 of the Agriculture & Markets Law.
6. Daniel Moyer is not and shall not be deemed to be the Dog Control Officer or Peace Officer under contract to, or employed by the Town and nothing in this Agreement, or done pursuant to it, shall be deemed evidence of any such status.

7. The Town shall indemnify, save and hold Daniel Moyer's Pound harmless from and against any and all claims of damages incurred on account of the seizure, euthanization or adoption of any dog.
8. Any modification or termination of this Agreement shall be effective only if made 30 days in advance, in writing and signed by the Party(ies) to be bound thereby.
9. This Agreement constitutes the entire Agreement between Daniel Moyer's Pound and the Town pertaining to the subject matter hereof and it supersedes all prior or contemporaneous written and/or verbal agreements and understandings between them in connection with the subject matter of this Agreement. Its terms are contractual, and not recitals. The Parties have both participated in and agree to its terms, and rule of contract construction commonly referred to as contra proferentum shall not be applied.
10. This Agreement and the rights and obligations hereunder shall be construed under and governed by the laws of the State of New York, and the Parties hereby consent to the jurisdiction of the courts of the State of New York over any action(s) arising out of and/or in any way related to this Agreement.
11. If any provision of this Agreement is held invalid or unenforceable, the remainder of this Agreement shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to certain circumstances, it shall nevertheless remain in full force and effect in all other circumstances.
12. The Parties shall not be deemed to have waived any of their respective rights under this Agreement, unless that waive is in writing and signed by the Party against whom such waiver is sought to be enforced. No delay in exercising any right shall be deemed a waiver, nor shall a waiver on one occasion operate as a waiver of such right on a future occasion.

Daniel Moyer

Daniel Moyer
Owner, Daniel Moyer's Pound

12-21-18

Date

Mark Ashlin
Signature of Authorized Town Official

2/13/19
Date

**TOWN OF CANTON
HIGHWAY POLICY
Posting of Roads**

The Town of Canton Highway Superintendent is authorized to post town roads in the Town of Canton. The town roads in the Town of Canton will be posted at a maximum of five (5) tons per axle. The posting will be in effect upon the erection of proper signs and will remain in effect until signs have been removed by authorization of the Town of Canton Highway Superintendent.

RESOLUTION NO ____
DATED: February 13, 2019
TOWN OF CANTON
HOLDING HARMLESS THE COUNTY OF ST. LAWRENCE
FOR PROVIDING SERVICE FOR 2019

WHEREAS, the Town of Canton is desirous of St. Lawrence County Department of Highways providing shared services such as paving, signage, road stripping, blasting, and other routine maintenance activities to the Town, and

WHEREAS, both the Town of Canton and the County of St. Lawrence are desirous of promoting partnering efforts for the safety of the traveling public in St. Lawrence County, and

WHEREAS, in this joint cooperative endeavor the Town of Canton and the County of St. Lawrence desires to be reimbursed for their expenditures, and

WHEREAS, the Town is aware that the County may incur liability in the providing of the services and wished to indemnify the County in this regard,

NOW, THEREFORE, BE IT RESOLVED that to the fullest extent permitted by law, the Town of Canton will indemnify and hold harmless the County, their officers, directors, partners, representatives, agents and employees from and against any and all claims, suits, liens, judgements, damages, losses and expenses, including legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any manner from injury and/or death of person or damage to or loss of any property relating to or arising out of any negligent or intentional acts and/or omissions of the Town of Canton or any of its directors, officers, employees, contractors, representatives, or agents.

BE IT FURTHER RESOLVED that the following request for General Liability (GL) coverage is as follows:

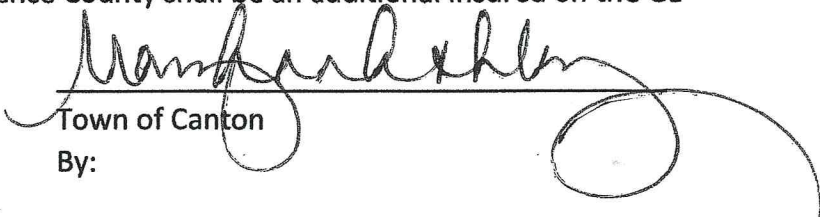
General Liability Insurance

On an "Occurrence" basis, with the following limits:

\$1,000,000 Each Occurrence	\$3,000,000 General Aggregate
\$1,000,000 Products Aggregate	\$1,000,000 Personal Injury
\$ 50,000 Fire Damages Legal Liability	\$ 5,000 Medical Payments Expense

BE IT FURTHER RESOLVED that St. Lawrence County shall be an additional insured on the GL Policy, via ISO endorsement CG 2026.

2/13/19
Date


Town of Canton
By:

This Certifies that this is a true copy of record on file in the Town of Canton, Office of the Town Clerk and Vital statistics, St. Lawrence County, State of New York


Clerk-Registrar