

TOWN OF CANTON REGULAR

6:00 PM Solar Law Public Hearing

Regular Meeting

August 14, 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, Code Enforcement Officer Jeff Murray, Historian Linda Casserly, Economic Development Director Leigh Rodriguez, Assessor Cindy Brand, Recreation Director Jim Putman, John Gray, Toby Irvan, Klaus Proem, John & Bonnie Danis, Phil & Lisa Burnett, Kenneth Moore of Argent Developments and Sue Mende

Absent: Highway Superintendent Terry Billings

- A. Supervisor Mary Ann Ashley called meeting to order and welcomed all in attendance. The board members introduced themselves. Council member Phil LaMarche was not present at this time. Ashley introduced Planning Board Chair Mike Morgan.

B. SOLAR LAW PUBLIC HEARING 6:00 p.m.

Supervisor Mary Ann Ashley opened the Public Hearing on a Local Law to regulate Solar Energy Facilities within the Town of Canton. Ashley read the Legal Notice and thanked everyone involved in the process. Ashley added that the Town received Notice of Action on the Project Referral from the St. Lawrence County Planning Board and it has been forwarded to the Committee.

C. Public Comment on Solar:

Barry Whiteford asked for clarification on the purposed law. Supervisor Mary Ann Ashley stated that the purposed law went to the County Planning Board for review and comments were returned to the Town with language clarifications. Attorney Dan Ramsey explained the process for large-scale Solar system within the Town which includes the above process and a required Public Hearing. Ramsey added that one Planning Board member expressed concern over Cyber threats and that the Town will take that into consideration. Planning Board Chair Mike Morgan stated that most large-scale developers more than likely already have a Cyber Plan in effect and it's probably not necessary for the Town to put it in their Code. Council member Bob Washo stated that he was part of the committee. Washo stated that this law will provide protection for the Town of Canton. Washo has

Solar on his property with a fourteen-year moratorium, at year fifteen his Solar will be added to the value of his property and he will start paying taxes on it. Washo hopes this Local Law will encourage smart solar in the Township. Washo stated that previously the Town Code had no protection and now it will, adding that is utility scale, not commercial or residential.

Mary Evans asked about Community Benefits.

Washo commented that these Utility large-scale projects come with tax benefits from the State. Washo added that these projects have potential for wear and tear on our Town roads along with changes in assessment's to surrounding properties. Washo stated if and when they come in with these projects there will be an agreement between the Town of Canton and the developer, not the land owner for a potential benefit for the Township in many different forms. Planning Board Chair Mike Morgan thanked Committee member Bob Washo, Jim Smith and Matilda Larson for serving on the Committee. Morgan stated that the Town is well protected by their members.

6:18 p.m. Supervisor Mary Ann Ashley closed the Public Hearing.

6:19 p.m. Council member Phil LaMarche joined the table with the Town Board members and stated for the record that he has recused himself for discussions or voting in the process. LaMarche stated that he has been approached about Solar being placed on his land.

Supervisor Mary Ann Ashley added to the agenda under New Business #11 SLIC has served the Town with a grievance of their assessment and filed papers to go to Supreme Court

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

E. Approval of Minutes:

Regular Meeting Minutes of July 11, 2019

Motion by Council member Bob Washo to approve minutes, seconded by Council member Jim Smith. All voted in favor. Motion carries.

Town/Village of Canton/Village of Rensselaer Falls July 30, 2019

Council member Tim Danehy tabled adoption of minutes due to revision throughout the day. All board members in agreement.

F. Supervisor Report:

John Gray of Gray and Gray read over the fund balances and provided a written report to the Board members. Questions and answers were received. Current fund balance is \$923,614.00

G. Audit Committee:

A: \$42,544.72	TA: \$11,545.93
DA: \$47,138.49	B: \$1,014.97
SL: \$285.23	SM: \$4,450.78
DB: \$11,594.81	SF: \$3,994.06 as pass through

Motion was made by Council member Bob Washo to approve expenditures, seconded by Council member Phil LaMarche, all voted in favor. Motion carries.

H. Acceptance of Department Reports:

Lisa Hammond Town Clerk added that her office is busy with Hunting License sales and Marriage Licenses.

Linda Casserly, Historian went over discussions she has had with North Country this Week and the future of the Historian Columns being published. Casserly gave an additional handout to the Board members. Historian column will be on line for free under opinions. Casserly is looking for donations to be able to have a paper copy of the Historian column. Casserly will work on sponsor donations.

Cindy Brand Assessor, added that she will be attending an upcoming ethics class in Clayton. Brand acknowledged the SLIC grievance that was filed with the Town. Adding that nothing changed at the State level, their values for the tentative roll were the same as the final roll.

Leah Rodriquez Economic Developer stated that the DRI will be announcing the recipients of grants to be awarded very soon.

Supervisor Mary Ann Ashley noted the Dairy Queen's award on a grant with the help of Rodriquez of \$109,000.00
Council member Bob Washo thanked Rodriquez for her hard work on all grant matters along with Thomas Gokey who helped with the grant from the sustainability committee. Supervisor Ashley gave praise to Rodriquez also.

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

I. Committee Reports:

Committee member Jim Smith stated that the Comprehensive Plan Committee met meeting on July 30, 2019 at 6 :30 p.m. with both the Village of Canton and the Village of Rensselaer Falls. Smith added that the Town of Canton will take the lead on the SEQR. (State Environmental Quality Review) process for itself and the two Villages.

Committee member Jim Smith reported that the Fire Task Force met for a final time. Smith thanked facilitator Karin Blackburn for doing a very good job. A list of recommendations was sent to the committee. Smith stated that overall, the meetings were good and a lot came out of them. Smith is in hopes that the four Departments will complement each other.

Committee member Bob Washo talked about the Highway committees' suggestions on cleaning up boundaries/monomializes on Village and Town roads. Judson St to 310, State Street to 310 and Miner Street to bridge across Grasse river. Washo wants to see further discussion on turning these over to the Village of Canton.

Ramsey added there are still procedural questions about the process under the NY Municipal Law and suggested more research be done.

J. Old Business:

1. Rensselaer Falls Highway Project Memorandum of Understanding

Supervisor Mary Ann Ashley read the now there-fore's of the MOU

Motion to approve by Council member Bob Washo, seconded by Council member Phil LaMarche. All voted in favor. Motion carries.

See attached

2. Rensselaer Falls Comprehensive Plan Memorandum of Understanding

Supervisor Mary Ann Ashley noted that the two Villages and the Town have been working on a Comprehensive Plan and now it is time to hold Public Hearings at the board levels. Ashley noted that in the past when grants were written there were no agreements, therefore the cost was all on the Town of Canton. The Village of Canton has already in place a MOU with the Town of Canton for the Comprehensive Plan. Supervisor Ashley noted that yesterday she sent a draft MOU to Village of Rensselaer Falls Mayor Michael Hammond with amount in the MOU of \$3,700.00 toward the cost. Ashley said in speaking with Hammond, he stated that he will forward it to their Village Attorney and also indicated a number to her in which the Village board had decided on, but Ashley did not ask for it in writing. Council member Bob Washo asked if it was a different figure than what the MOU says. Ashley stated the Village of Rensselaer Falls is willing to pay \$3,000.00. Council member Jim Smith also Co-Chair of the Comprehensive Plan gave a brief history stating that a grant was received to fund part of the Plan. MJ Engineering was hired at a cost of \$54,500.00 to put together the Comp Plan, which hasn't been done in over forty years. The grant was in the amount of \$17,500.00, leaving a balance of \$37,000.00 to be paid for by the three Municipalities. Smith stated that Rensselaer Falls shared concerns of getting overlooked and not being involved in the process, adding that

Village of Rensselaer Falls Mayor was on the Committee along with Village resident Karin Blackburn and very involved in the process noting that MJ Engineering spent time in the Village of Rensselaer Falls. Smith stated that Supervisor Ashley asked Co-Chairs Smith and Carol Pynchon to come up with a figure and \$3,700.00 is what they suggested. Smith stated it should be 45% Town contribution, 45% Village of Canton contribution and 10 % Village of Rensselaer Falls contribution.

Council member Bob Washo added that he contacted St. Lawrence County and they stated that when they work with Municipalities it's \$9,500.00 to help write Comp Plans. The County has this fee to help pay for costs related to the Plans. Washo added that it would cost Rensselaer Falls three times more if they used the County to assist in a Plan on their own.

Village of Canton Trustee Carol Pynchon stated that MJ Engineering along with the State are looking to make the Town of Canton's Comprehensive Plan a model for other municipalities due partly to the fact that three Municipalities worked together to come up with the joint Plan. Pynchon added that Rensselaer Falls got a lot of attention and that \$3,700.00 is a fair deal.

Supervisor Mary Ann Ashley will go back to the Village of Rensselaer Falls and request the \$3,700.00

Motion to approve MOU was made by Council member Jim Smith, seconded by Council member Bob Washo. All voted in favor. Motion carries.

3. Comprehensive Plan Joint Town/Villages Public Hearing Dates:

Co-Chair Jim Smith stated that because the Town of Canton was the recipient of the grant and lead on the Plan. It is important to hold Public Hearings with both Villages involved.

A Public Hearing will be held on September 16, 2019 at 6:00 p.m. jointly with the Village of Rensselaer Falls

A Public Hearing will be held on September 17, 2019 at 6:00 p.m. jointly with the Village of Canton. Followed by a previously scheduled joint meeting with the Village of Canton on other matters.

St. Lawrence County will review the Plan on the 12th of September and send feedback back to the Town on the 13th of September 2019

4. Morley Lighting District Funds:

Supervisor Mary Ann Ashley stated that this has been an ongoing item. Ashley talked with an Attorney from the Comptroller's office and until

the Town can find where these funds generated from in 2002, the Town will have to hold onto the monies. A transfer of funds can not happen at this time.

K. New Business

1. Comprehensive Plan SEQR 1:

Attorney Dan Ramsey went over the procedure process and the talked about what he has prepared for a SEQR and its language. Ramsey stated the Town as lead and will file a Negative Declaration to have an Environmental impact to cover adoption of the plan, should there be any challenge of the plan due to Environmental impact.

Motion made by Council member Jim Smith to do a Negative Declaration for a SEQR on the Comprehensive Plan and file it with the State, seconded by Council member Phil LaMarche. All voted in favor. Motion carries.

Roll call: Jim Smith	- yes
Tim Danehy	- yes
Phil LaMarche	- yes
Bob Washo	- yes
Mary Ann Ashley	- yes

Council member Tim Danehy requested that Attorney Dan Ramsey to forward copies to both the Village of Canton and the Village of Rensselaer Falls, letting them know that this has been adopted.

2. Canton Fire Protection Task Force Recommendation:

Facilitator Karin Blackburn for the Task Force read the recommendations to the board members as follows:

- #1. Improved financial distribution of the money available
- #2. The departments meet on a quarterly or semi-annual basis that includes an elected official or with the safety committee, or other committee – might hold more accountability.
- #3. Enhanced communication mechanisms:

Shared calendar – prevent scheduling conflicts with fundraising and promote increased support for volunteers across all departments.

Communication pipeline to keep all four departments up to date on trainings, funding opportunities, other opportunities, and other benefits.

Offer an open invitation on an ongoing basis to lawmakers and Town/Village municipalities to attend the St. Lawrence County Fire

Chief's Association meetings every other month – opportunity for effective, productive information sharing and conversations.

#4. Shared resources across all four departments:

- Shared information about grant opportunities
- Shared grant applications
- Shared surplus of inventory or equipment
- Shared scheduled equipment inspections

#5. The four departments coming together to coordinate an annual fundraiser with proceeds going to operational costs. The hope would be to raise enough fund to allow for one less required fundraiser in Pyrites, Morley and Rensselaer Falls (the departments where fundraising is required to keep the doors open).

Council member Jim Smith made a motion to accept the recommendations of the Committee, seconded by Council member Phil LaMarche. All voted in favor. Motion carries.

3. 2020 Budget Calendar/Preliminary 2020 Budget Discussions:

Supervisor Mary Ann Ashley handed out a 2020 Tentative schedule for the upcoming budget process. After a brief discussion it was decided to hold a budget work session meeting on August 29th, 2019 and September 26, 2019 both at 6 p.m.

Ashley noted that the Department Heads were given packets and have been returned to them Supervisor's Office with requested proposals of needs. Ashley stated that she was notified that there may be a 7.2 percent increase in insurance this year.

4. Canton Central School/Town of Canton Tax Collection Agreement:

Supervisor Mary Ann Ashley presented the board members with a Cooperative Agreement between Canton Central School and the Town of Canton for tax collection. Ashley gave a brief over all of the five-year agreement.

Motion made by Council member Phil LaMarche made a motion to accept agreement as presented, seconded by Council member Bob Washo. All voted in favor. Motion carries.

See attached Agreement

5. Purchase a New Copier Resolution:

Supervisor Mary Ann Ashley presented the board members with a resolution to purchase of a new copier and asked for approval. After discussion was held Council member Bob Washo asked that the Supervisor get other quotes. Council member Jim Smith asked that Ashley check on the procurement policy. Matter was tabled with it being noted that the board plans on moving forward with a new copier once Supervisor Ashley does some homework on the policy and other quotes. Ashley to bring the matter back at September's board meeting.

Supervisor Ashley added that the copier is over ten years old and scanning of documents are being compromised and will no longer serve certain departments. Ashley stated we do have the monies in contingency and its time for a upgrade.

6. Assessor Appointment Discussion:

Supervisor Mary Ann Ashley stated that a Sole Appointment of the Towns Assessor will begin on October 1, 2019 for a six-year term. This matter will be on September's agenda.

7. SLC NC Events, Inc Bass Masters Fish Tournament Request:

After discussion it was decided not to donate to this event. Board members feel that it would not be fair to other organizations that have asked in the past. All members agree this is a great event and wish the Bass Masters all the luck.

8. Gray & Gray Supplemental Engagement Letter:

After a review at Gray and Gray Office it was suggested that more wording/language to put around the financial part of this agreement with the Town. The language will be in future agreements.

Supervisor Mary Ann Ashley signed engagement letter with approval of the board and asked that this be part of the record.

9. Court Request for JCAP Reimbursement:

Discussion was held on reimbursement to the State for JCAP Grant monies questioned by a recent State audit. Supervisor Mary Ann Ashley asked for permission to make a budget amendment.

Motion made by Supervisor Mary Ann Ashley to reimburse New York State \$1,071.51. Seconded by Council member Bob Washo. All voted in favor. Motion carries.

See attached resolution

10. Court Request for increase in contractual funds:

Supervisor Mary Ann Ashley asked for permission to make a budget amendment. Discussion was held on the Justice Court request to increase their Contractual line due to unexpected expenses. It was decided to table matter to September's regular board meeting.

Council member Jim Smith stated that this will not stop any upcoming training. Committee members will meet with the Justices and report back to the board. Tabled to September meeting.

11. SLIC Grievance:

Discussion was held on the Article 7 that was filed on the Town of Canton. This matter will be going to Supreme Court.

Attorney Dan Ramsey added that as of now there are nineteen municipalities that have been served. The State nor St. Lawrence County are a party to the action as of now. Attorney Stephen Button has been in contact with Pease and Gustafson to use as a resource. Ramsey stated that the local Attorneys will collaborate in the suit. SLIC'S attorney is from Buffalo.

Six of the nine municipalities are being represented by Pease and Gustafson Office as of now. SLICS assessment now is \$293,699.00 and they want it changed to \$42,160.00

L. Public Comment:

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

8:54 p.m. Council member Bob Washo made motion to go into executive session, for the purpose of Employment history of a particular person, seconded by Council member Phil LaMarche, all voted in favor. Motion carries.

10:10 p.m. Council member Bob Washo made a motion to come out of executive session, seconded by Council member Phil LaMarche, all vote in favor. Motion carries.

10:10 p.m. Council member Bob Washo made a motion to adjourn the meeting, seconded by Council member Phil L LaMarche. All voted in favor. Motion carries.

Respectfully Submitted

Lisa A. Hammond



**Memorandum of Understanding
Between
Village of Rensselaer Falls and the Town of Canton**

This Agreement, made this day, Aug. 15, 2019, between the Village of Rensselaer Falls, hereinafter referred to as the "Village" and the Town of Canton hereinafter referred to as the "Town".

WHEREAS, the Village and Town desire and intend to enter into a contract for the mutual responsibilities and obligations for the construction and rehabilitation of Rensselaer Street, hereinafter referred to as "Main Street" and specifically that portion of "Main Street" located within the Village of Rensselaer Falls, a Town Roadway which benefits the Village and is a vital asset for current and future economic development; and

WHEREAS, there is a Milling contract for this project with Windy Point Inc. J.E. Sheehan Contracting, and

WHEREAS, there is an Excavation contract with Montroy Contracting LLC. that will address vital infrastructure including drainage, ditching, Pioneer Park expansion, and parking lot construction, and

WHEREAS, it is understood by the parties that the final step of Main Street Preparation and Paving will be performed by the Town of Canton Town Highway Department, who will assist Sheehan's in removing the Millings during the process. The Town will prepare Main Street for paving and then ultimately pave from the Canton Street intersection to the Front Street intersection.

NOW, THEREFORE, the Village and the Town agree to enter into a formal contract providing for the construction and rehabilitation of Main Street within the Village, and it is further;

Agreed, the Village will be responsible for costs associated with the materials needed for the project and the Town will provide labor and equipment for said paving, and it is further;

Agreed, the Town will not be improving or otherwise directly benefiting any private property, and it is further;

Agreed, the Village will be the responsible party and enter into the above referenced contracts and agreements with parties involved.

Michael S. Hammond
Michael S. Hammond, Village Mayor

8-15-2019

Date:

Mary Ann Ashley
Mary Ann Ashley, Town Supervisor

8/15/19

Date:

COOPERATIVE AGREEMENT BETWEEN THE TOWN OF CANTON, AND THE CANTON CENTRAL SCHOOL DISTRICT

PURSUANT TO GENERAL MUNICIPAL LAW, ART. 5-G

This Agreement is dated the 11th day of July, 2019, by and between

14th day of August 2019
Town of Canton, St. Lawrence County, New York, a municipal corporation having offices at 60 Main Street, Canton, New York 13617 (hereinafter referred to as "Town")

-and-

Canton Central School District, St Lawrence County, a municipal corporation having offices at 99 State Street, Canton, New York 13617 (hereinafter referred to as "School")

WHEREAS, the Town employs a Town Clerk who is ready, willing and able to provide school tax collection services as a Town employee to the School; and

WHEREAS, the School desires to retain the services of the Town Clerk as the School Tax Collector for the School; and

WHEREAS, the General Municipal Law of the State of New York, Article 5-G, particularly Section 119-o, provides for cooperative agreements by which municipal governments agree upon mutually acceptable terms and conditions to jointly fulfill their statutory duties and obligations;

NOW, THEREFORE, the parties agree as follows:

(1) That the Town shall provide school tax collection services for the School through its Town Clerk pursuant to Article 13, Section 50-A of the Real Property Tax Law of the State of New York.

(2) The term of this Agreement shall be from 9/1/19 to through 8/31/24.

(3) At all times and for all purposes under this Agreement the Town Clerk shall remain an employee of the Town. All school tax monies collected under this Agreement shall be the property of the School and shall remain segregated and accounted separately from the funds of the Town.

(4) The School agrees to pay the Town for such school tax collection services rendered to the School as follows:

(a) During the period of 9/1/19 through 8/31/20, the School shall pay the Town the sum of \$5,250 for the school tax collection services of the Town Clerk; and

(b) During the period of 9/1/20 through 8/31/21, the School shall pay the Town the sum of \$5,512 for the school tax collection services of the Town Clerk; and

(c) During the period of 9/1/21 through 8/31/22, the School shall pay the Town the sum of \$5,788 for the school tax collection services of the Town Clerk; and

(d) During the period of 9/1/22 through 8/31/23, the School shall pay the Town the sum of \$6,077 for the school tax collection services of the Town Clerk; and

(e) During the period of 9/1/23 through 8/31/24, the School shall pay the Town the sum of \$6,381 for the school tax

collection services of the Town Clerk; and

(5) The undersigned parties warrant and represent that this Agreement has been approved by majority vote of the voting strength of their respective governing bodies.

(6) To the fullest extent provided by law, the Town agrees to indemnify, hold harmless and defend the School, its agents, officers and employees against loss, expense or damages as a result of the gross negligence and/or negligence of the Town during the term of this Agreement.

(8) To the fullest extent provided by law, the School agree to indemnify, hold harmless and defend the Town, its agents, officers and employees against loss, expense or damages as a result of the gross negligence and/or negligence of the School during the term of this Agreement.

(9) This Agreement constitutes the entire agreement of the parties. No modification, amendment, supplement of any provision, or cancellation thereof shall be valid unless in writing and signed by the parties.

(10) The doctrine of severability shall apply to this Agreement. In the event that any provision of this Agreement is or becomes invalid under any provision of Federal, State or Local Law, such invalidity shall not affect the validity or enforceability of any other provision hereof.

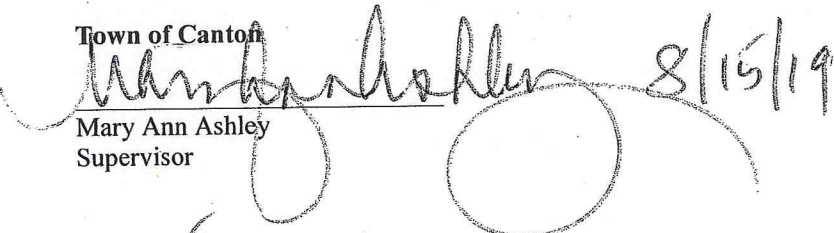
(11) The parties shall have the right to terminate and cancel this Agreement upon written notification to the other prior to May 1 in any year of the contract to take effect no sooner than August 31 of the same year. Notwithstanding any other provision of this Agreement to the contrary, if, at the time of such early termination, as set forth herein, the School has not fully paid for the services in this Agreement to the Village for the past services rendered, the School shall pay such amounts due the Town.

(12) No waiver of any breach of any condition of this agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way effect any other provision, term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

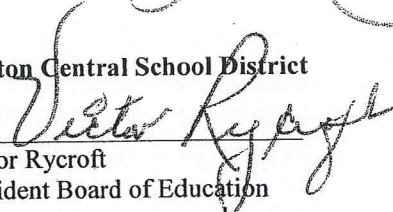
(13) This Agreement shall not be assigned by any party hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date and year first above written.

Town of Canton


Mary Ann Ashley
Supervisor

Canton Central School District


Victor Rycroft
President Board of Education

8/15/19

RESOLUTION ____
August 14, 2019
Budget Amendment
Town Reimbursement JCAP Grant

WHEREAS, for the past five years, Town Court has annually applied for and been successful in securing JCAP funds that has directly benefitted the Court and Municipal Building. The 2019 JCAP Grant Award was for \$21,645.53 and;

WHEREAS, this year, New York State has been conducting financial audits on all awarded JCAP grants and;

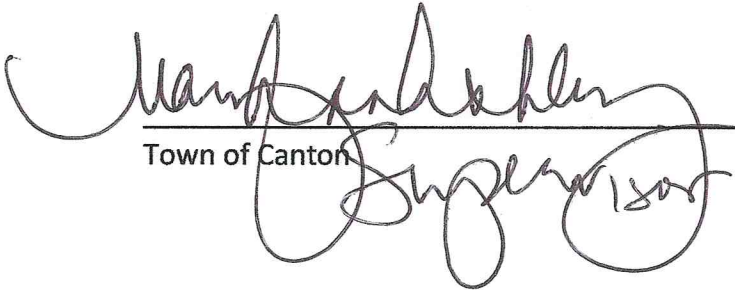
WHEREAS, in the past there has been flexibility with unspent funds to continue to meet the needs of the court; and

WHEREAS, this year, remaining expenditures were questioned and NYS has requested a refund of \$1071.51; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Canton Town Board authorizes Supervisor Ashley to reimburse New York State for \$1071.51 for the JCAP Grant which will decrease the fund balance for FY 2019.

8/14/19

Date



Town of Canton Supervisor