

**TOWN OF CANTON REGULAR
BOARD MEETING**

6:00 PM

February 13, 2020

Minutes

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

Also in Attendance: Attorney Eric Gustafson, John Gray of Gray and Gray, Code Enforcement Officer Jeff Murray, Assessor Cindy Brand, Historian Linda Casserly, Deputy Town Clerk/Deputy Tax Collector Heidi L. Smith, County Legislature Danny Fay, Ben Budelmann, John Casserly, Adam Akins

Absent: Town Clerk/Tax Collector Lisa Hammond, Highway Superintendent Terry Billings, Economic Development Director Leigh Rodriguez,

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

B. Public Hearing:

NOTICE IS HEREBY GIVEN that the Town of Canton will hold a Public Hearing on February 13, 2020 at 5:30 pm.in the Town of Canton Municipal Building, 60 Main Street, Canton NY for the purpose of considering a local law amending Local Law 2 of 2003 by increasing the amount of allowed exemptions for improvements on one and two family houses from fifty thousand dollars. A copy of the proposed local law is available for public inspection in the office of the Town Clerk and on the Town of Canton's website located at www.cantonny.gov

5:34 PM Supervisor Mary Ann Ashley opened the Public Hearing. Supervisor Mary Ann Ashley asked if there was any public comment. Supervisor Ashley stated this is under the recommendation of our Assessor, there is already a law on the books, this is just amending the local law. Council Member Washo stated this will be consistent with Village Law.

No Public Comment.

5:37 PM Supervisor Mary Ann Ashley closed the Public Hearing.

Supervisor Mary Ann Ashley added a new item to the Agenda under New Business number eight-Consider passage of New Local Laws.

NOTCE IS HEREBY GIVEN that the Town of Canton will hold a Public Hearing on February 13, 2020 at 5:45 pm in the Town of Canton Municipal Building, 6 Main Street, Canton NY for the purpose of considering a local law

adopting a Moratorium on all energy storage system development (as defined therein) operating within the Town. A copy of the proposed moratorium is available for public inspection in the office of Town Clerk and on the Town of Canton's website located at www.cantonny.gov

5:46 PM Supervisor Mary Ann Ashley opened the Public Hearing

Attorney Eric Gustafson stated the Town is looking for a six-month Moratorium. The idea is to get regulations in place to safe guard the installation in use of those types of facilities. Currently there is nothing in place it is recommended that the Town do so. The Solar Law has language that is broad enough to cover energy storage/battery storage associated with Solar facilities but it wouldn't really apply to anything else. The Town feels that it was prudent to take this step and adopt a Moratorium.

Toby Irvin of Canton, Irish Settlement Road, spoke in favor of the Moratorium. Mr. Irvin asked if the six-month period is enough time to consider the research. Attorney Gustafson stated the Town can always extend it if they need to. Mr. Irvin asked will this Law be communicated to those individuals and companies who are attempting to apply for these? How does it work to put these pieces together? How does the communication go forward? Council member Bob Washo stated by attending planning board meetings, attending public hearings, board meetings and staying involved. Supervisor Mary Ann Ashley also added with the help of the media and the website.

John Casserly of Canton also spoke in favor of the Moratorium. It seems like an unknown technology. It would be nice to have it studied more.

5:51 PM Supervisor Mary Ann Ashley closed the Public Hearing

C. Public Comment:
No public comment

D. Zoning/Code Audit Presentation – River Street Planning and Development

Supervisor Mary Ann Ashley stated for the record that Monica Ryan is the principal planner for the River Street Planning and Development.

Monica Ryan gave a presentation on looking at the code with some recommendations a Code Update would be the next step. This is to see where the Town is at with future projects scope it out for budget plans. So the Town is not jumping in without having a clear picture.

E. County Legislature Representative(s) Updates

Dan Fay stated the people are saying that the Board of Legislature are going to hit the Town and Villages with the loss of sales tax. Fay does not believe that any Town or Village is going to get hit, or any loss with what they are presently

getting. Hopefully sales tax dollars will go up and Canton gets more. Although, Fay cannot guarantee this.

F. Approval of Minutes

Regular Meeting 1/15/2020

Special Meeting 1/30/2020

Motion to approve minute made by council member Tim Danehy, seconded by council member Jim Smith. All in favor. Motion carries.

G. 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.

Motion to approve Supervisor Report made by council member Bob Washo, seconded by Jim Smith. All in favor. Motion carries.

H. Correspondence

1. CCRC 2017 and 2018 Audit is done and on the website for information purposes.

2. US Department of Commerce 2020 Census Boundary Authorization
Supervisor Mary Ann Ashley and Assessor Cindy Brand received a letter from the US Census Bureau to validate the boundaries for the Census Bureau. A visit was made to the Director of the St. Lawrence County Planning Department. The Town of Canton is still a square, the outside boundaries. No changes.

I. Audit Committee:

A: \$42,567.59

B: \$2,238.04

SL: \$375.19

TA: \$19,135.51

DA: \$31,714.37

DB: \$6,790.35

SF: \$96,945.32

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

J. Acceptance of Department Reports:

Historian Linda Casserly is going to take a look at St. Mary's School with suggestions on what they could do with the space. Working with the Town Clerk's office we had the years of 1830-1870-minute books preserved using Records Management.

Code Enforcement Officer Jeff Murray

Supervisor Mary Ann Ashley asked Murray to elaborate on the Air B&B. Murray explained that the problem with the Air B&Bs is that they have just arrived under that name, when basically they are rooming house. Under town code, rooming houses require a special exception or a special use permit. Murray identified 28 Air B&B-style businesses that are not registered with the proper use permits in the Town.

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

K. Committee Reports:

Committee member Bob Washo stated Complete Streets and the Highway Committee have met with Brooks, they are starting to get the survey from Miner Street onto maps. There are some preliminary maps for the Village section. The Town section is still being worked on. Brooks is working with National Grid to potentially move some poles. Everything seems to be moving in the right directions.

Committee member Bob Washo stated that the Highway Committee met over at All States with Atlantic Testing where a site inspection was done. A report to be completed in a couple of weeks. Washo added it was a positive meeting. Supervisor Ashley stated the Town is still waiting on answers for the connection to the phones.

Committee member Tim Danehy reported the Recreation Committee and Economic Development Committee reports are pretty much summed up by the department reports. Supervisor Ashley stated for the record the Village is going to be appointing an Economic Development Assistant that will be taking the minutes for our Planning Board and ZBA meetings.

Committee member Jim Smith reported that the Court Committee did an audit with the Court. The Justice will be expected to give a presentation with issues they will be expecting with the new Bail Reform. The presentation is set for the March Agenda.

Committee member Karin Blackburn reported the Health Insurance Committee met and reviewed the Town health insurance plan including: benefits, cost and contributions. Also reviewed the four different silos that are covered, which include full time CSEA labor contract Highway employee positions, full time

non-contractual positions, retirees, and full time elected positions which are the Town Clerk and Highway Superintendent and the NYS Comptroller's Audit Report. We will be meeting in March with Burnham Benefits to have further discussions.

L. Old Business:

1. AOT 2020 Resolutions

Supervisor Mary Ann Ashley stated there are 10 Resolutions on the docket. Supervisor Ashley will be leaving for the conference and we need to vote on them. Supervisor Ashley asked the board members, out of the 10 Resolutions, are there any that stand out or any that the board members disagree with or would like to further discuss? There were no questions for the Supervisor.

Supervisor Mary Ann Ashley made a motion for the Town of Canton support the Resolutions as listed, seconded by council member Tim Danehy. All in favor. Motion carries.

Council member Tim Danehy added for the record with this motion we support more money for towns.

2. Fire Task Force

Last month Supervisor Mary Ann Ashley and board received a letter from the Rensselaer Falls Fire Department Chief Dallas Denny and Rensselaer Falls Village Mayor Michael Hammond with questions about the status of the Fire Task Force meetings that were held to discuss the long-term sustainability of the four Fire Departments. Rensselaer Falls Fire Department would like a follow up or presentation regarding the committee's recommendations and what decisions, if any, were reached by the Canton Town Board.

Supervisor Ashley stated that she personally would like to take more time and think about their letter and what they are really asking. Ashley and council member Jim Smith both questioned the history of how the money 'the pie' was divided between the four fire departments and how it was decided the amount allotted to each fire department. Council member Karin Blackburn added for someone that sat through the Task Force meetings as a Facilitator, acting as a neutral party, believes the Rensselaer Falls is not only asking about the financial distributions to all four fire departments but also about all of the other recommendations that were made and what the outcomes of those would be. Blackburn believes Rensselaer Falls is looking for a letter with a response to the recommendations and what decisions, if any, were reached.

Council member Bob Washo believes it is important to mention the Town contracts with these Fire Departments outside the Villages. This is for Town outside only. Washo questions why the Village Mayor is concerned with the Towns contract outside of their Villages. Washo stated then it would be a fair question to ask how Rensselaer Falls and the Village of Canton are splitting their pie when it comes to their budget and how much they are allocating to

their Fire Departments. Washo believes with the Mayor signing the letter it confuses the issue because it is not a Village of Rensselaer Falls issue, it is a Town of Canton issue. The joint letter is confusing. The questions are legitimate but it is important to know these are jurisdictional issues and the Villages are not part of the conversation on how the Town spends their money with these Fire Departments.

Council member Tim Danehy believes that it should be a two-way street where the Town is going back to the departments to see if they are following through with their recommendations. Danehy struggles with recommendation number one: improve financial distribution with the money available. Danehy does not know what that means. You can improve it for one department but that does mean you would not be improving it for others? It's understood that this is the big challenge. Danehy stated he has been on the board for two plus years and has asked the question, "how come these numbers are what they are?" The answer has always been because that's the way it has always been. Danehy stated we, the Board, need to ask ourselves do we need to come up with a different methodology to divide the pie, other than because that's the way it has always been.

Supervisor Ashley stated for the record that the Town of Canton spends \$275,000.00 on fire protection. Council member Blackburn stated besides the financial aspect, it is hard to bring the task force together when you cannot get all of the key players to the table. The Town Board is aware that not all of the key players were at the table. Blackburn believes that it should be a requirement for the four fire departments to provide the Town with a budget to get money from the Town. Council member Jim Smith and council member Bob Washo agreed the Town should see budgets before the allegations go out. The Fire Departments should supply a budget with what they are spending the money on that the Town is giving them. The letter is being tabled to a further meeting for further discussion.

3. Discussion of Term Limits

Last month Ben Budelmann of Canton asked the board to consider term limits of board members. Budelmann's concern is that if you are looking at the same people five to six years down the road, you will get into a routine. For example, as pointed out in the previous discussion, why do we do this? Well, it's because we have always done this. Budelmann believes you won't break that unless you have new people with different approaches, different perspectives and different ideas on how to change problems. Another concern Budelmann has is with people being on the board too long that it could cause things to slow down from getting things done.

Council member Bob Washo does not disagree with term limits with a two or three term limit. But something to think about is, you do not have people knocking down doors to be a board member. An unintended consequence would be removing potentially a good member just to get a new body on the board by recruiting someone that may not have any interest in wanting to be

on the board. Supervisor Ashley does agree someone should not be on the board for twenty plus years. Budelmann and Council member Tim Danehy agree you do not want to see the board get stale. Council member Washo thinks the bigger problem would be board members getting too comfortable with each other. Supervisor Ashley thanked Budelmann for his letter.

4. Accept Justice Court Audit

Motion to accept Justice Court Audit made by council member Karin Blackburn, seconded by council member Bob Washo. All voted in favor. Motion carries.

M. New Business:

1. Consider County Sales Tax Resolution

Supervisor Ashley sent the board members a resolution proposing the Town of Canton oppose any changes in the county sales tax of portion to local municipalities.

Supervisor Mary Ann Ashley made a motion that the Town of Canton on behalf of citizens, oppose change to the current negotiated sales tax formula between the City of Ogdensburg and St. Lawrence County. Motion failed to get a second. Since there was no second this motion is dead, the resolution is off the table. Supervisor Mary Ann Ashley stated for the record she is going to continue to be vocal about this. Council member Danehy is concerned with the resolution, he does not know what 'no change' means. 'No change' to the percentage of distribution that was established on data that is 10 years old? Or is it no change to the formula with the new data plugged in? I don't know what that means. Danehy states to keep doing something for the sake of that's what we are comfortable with and that's how we've been doing it is not why I'm here. Danehy believes the Town needs to learn more about what the impact is going to be on not just the Town but everyone else before the Town supports or opposes.

2. Schedule Supervisor and Town Clerk Office Board Audits

Council member Bob Washo and Council member Jim Smith will do the audit for the Town Clerks Office. Council member Karin Blackburn and Council member Tim Danehy will do the audit for the Supervisors Office.

3. Approve MOU Town of Canton/Canton Fire Department-Engine#7

Motion made to approve MOU Town of Canton/Canton Fire Department-Engine#7 by council member Tim Danehy, seconded by Bob Washo. All in favor. Motion carries.

4. Consider Blueway Trail Marketing Plan Proposal

Supervisor Mary Ann Ashley stated it's a \$6,000.00 project. One proposal

was submitted from C&S who came under budget with \$5,550.00. It's the Economic Development Directors recommendation to approve this proposal with C&S. C&S is also doing the BOA Grant and the Oswegatchie River Plan.

Motion made to approve Blueway Trail Marketing Plan by council member Tim Danehy, seconded by Jim Smith. All in favor. Motion carries.

5. Planning Board Appointment to fill an open seat 2/14/2020-12/31/2022
Supervisor Mary Ann Ashley stated there is an open seat on the Planning Board due to the passing of Don Tracy, whose services have been appreciated tremendously. Alternate John Casserly is willing to fill the open seat from 2/14/2020-12/31/2022 filling the remainder of the term for Don Tracy.

Motion made to have John Casserly fill the open seat on the Planning Board from 2/14/2020-12/31/2022 made by council member Tim Danehy, seconded by Karin Blackburn. All in favor. Motion carries.

6. Approve Town of Russell Highway Agreement

Motion made to approve Town of Russell Highway Agreement made by council member Jim Smith, seconded by council member Bob Washo. All voted in favor. Motion carries.

7. Approve SLC Highway Holding Harmless Resolution

Motion made to approve SLC Highway Holding Harmless Resolution by council member Jim Smith, seconded by Bob Washo. All in favor. Motion carries.

8. Consider passage of new Local Laws.

Motion made to amend Local Law #2 of 2003, increasing allowed exemptions for improvements on one and two family houses from fifty thousand to eighty thousand dollars made by Council member Tim Danehy, seconded by council member Karin Blackburn. All in favor. Motion carries.

Motion made for a Local Law adopting a Moratorium on all energy storage system development operating within the Town made by Council member Jim Smith, seconded by Council member Bob Washo. All in favor. Motion carries.

N. Public Comment:

Ben Budelmann of Canton asked in regards to the Moratorium if the Town is incorporating residential storage. Attorney Gustafson stated it excludes onsite residential for on the premise's consumption. Council member Bob Washo stated its for projects feeding into the grid only, not for residential.

8:23 PM 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) F and H, seconded by Council member Bob Washo. All voted in favor. Motion carries.

9:48 PM Council member Karin Blackburn made a motion to come out of executive session, seconded by Council member Bob Washo, all voted in favor. Motion carries.

9:50 PM council member Tim Danehy made a motion to adjourn, seconded by Jim Smith. All in favor. Motion carries.

Respectfully Submitted

 Deputy
Heidi L. Smith - Deputy Town Clerk