

**Town of Canton
January 14, 2021
Public Hearing 5:45pm
Regular Board Meeting 6:00pm
Minutes**

Public Hearing

Present

Supervisor Mary Ann Ashley, Council Members Bob Washo, Tim Danehy, James Smith, and Martha Foley Smith

Also in Attendance

Town Clerk/Tax Collector Karin Blackburn, Historian Linda Casserly, Attorney Eric Gustafson, Assessor Cindy Brand, Code Enforcement Officer Jeff Murray, Highway Superintendent Calvin Rose, John Gray
Members of the Public: Katie Christiansen, Connie Elen, Legislator Kevin Acres, Paul Baxter, Adam Atkinson, Ellis Giacomelli, Bill Myers, Scott Shipley, Dan Soulia, Lyne Soulia, John Taillon, James Blackburn

Supervisor Mary Ann Ashley opened the Public Hearing at 5:45pm and read the following:

“NOTICE IS HEREBY GIVEN that the Town of Canton will hold a Public Hearing on January 14, at 5:45 PM via Zoom for the purpose of considering a local law adopting an amendment to the Town of Canton Local Law to Regulate Solar Energy Facilities in the Town. A copy of the proposed local law amendment has been posted on the website and has been available in the Town Clerk’s website.”

Clerk Blackburn shared the proposed local law on the screen for meeting participants.

Clerk Blackburn read the proposed local law.

Supervisor Ashley invited public comment.

Lyne Soulia: Asked if someone could simplify the law.

Eric Gustafson: There is a provision of the real property tax law in the state of New York that says that solar and energy facilities are not subject to taxation for the value of the installed facilities for 15 years after the installation. There is a provision that allows municipalities to opt out so the town can collect tax on solar and wind, but you need to adopt a local law. This allows the Town of Canton to collect real property tax on a solar farm that would be installed in the town.

Scott Shipley: Town of Canton resident said he was a residential solar installer. This tax provision has been in place for a number of years to encourage the installation of solar by residents and businesses. If you eliminate this, you will eliminate one of the incentives to encourage people to install solar. Doing anything now to discourage the installation of solar, economically, or environmentally, is probably not in the best interest of the future or the present, for that matter.

Connie Elen: Scott brought up a good point. Interested in solar, dealing with it in Dekalb. Does the law document large solar installers or individual installers installing on their home or shed?

Eric Gustafson: Connie and Scott bring up great points. There is a certain interpretation that does say it will discourage. The problem is the way the state law is drafted, Section 487. It doesn't allow the Town to make the fine distinctions. The residential vs. the commercial – out of the area that will build large scale solar facilities in the town. We are not certain on the impact of the assessed value. He doesn't want to minimize the points that Scott and Connie made, the problem with the law is the way the state law is drafted, it provides a lot of obstacles for municipalities to obtain either a pilot or real property tax payment on the larger facilities. We left it clear that the Town is interested in doing pilot payments. The way the State law works is that it would impose on the municipality in strict time frame for a pilot payment. There is no great mechanism to notify the Board about projects coming into the community and that makes it easy to meet a deadline.

Connie Elen: When she was working in Oswego County, the pilot and the taxes would be above the owner. If a company comes in and rents land, would the owner be responsible on the pilot payment and taxes or would the company.

Eric Gustafson: The lease between the developer and the landowner requires the company to pay that. Ultimately, the taxes are levied on the landowner.

Bob Washo: As someone who installed residential solar a few years ago and benefited from not having his assessment not go up from that, until we get clarification on how the Assessor will handle this if we did an opt out. He would be in favor of trying to maintain that 60 day window and getting the developer the letter until we get more clarification on where the Assessor would land on a \$20,000 residential project and what kind of impact that would have on a resident. It is an alternate mechanism. It means we have to meet that 60-day window on each and every project. He doesn't have some of the answers, especially on the assessment side.

Eric Gustafson: He has talked with the Planning Office and Real Property side, and IDA. He wanted the Board to have it on it's radar, given the amount of solar activity in the Town. With the resolution adopted back in December, there is a mechanism to demand a pilot payment.

Bob Washo: It's very important to the process, tax law 487 wouldn't be on anyone's radar. He appreciates Eric bringing it to this level and the intent.

Tim Danehy: Echoes what Bob said. Lots of moving pieces and rapidly evolving. Also saw some literature that says if we opt out then that leads people to not look at the Town. Just need to tighten some things up to make sure we get our fair share. Helpful to hear the public's thoughts.

Supervisor Ashley: This is a learning process for her. She is trying to do her homework and learn. Has had a conversation with a variety of people and the Assessor. Not well versed and doesn't feel comfortable. She appreciates Eric's best interests of the Town.

Martha Foley Smith: Doesn't have a firm grasp of the larger Town solar law, but she thinks taking some time and thinking about it is good. Knows people who have installed solar on their homes and benefitted from the tax break.

Jim Smith: We're in over our heads pretty good on this. He appreciates Eric's concern that if we miss deadlines on a major project, it will mean major dollars to the whole community. We need to stay on top of these and not miss any windows. If we get approached by anyone on these, we need to know

immediately. It would be simpler if we could do the extension with it not affecting any smaller scale, but the law isn't written that way. We also don't want people to not be interested in not installing solar because they won't receive an incentive. He is in favor of waiting on doing anything with the law until we can come up with something better than what is being proposed.

Bob Washo: Tuesday night there was a two-hour workshop with the Planning Board and consultant regarding code update and the comprehensive plan - from Code Enforcement Officers down to the Planning Board were in attendance. Identified the gaps. Work in process. Coming from different angles and keep up with it. We know what is ahead of us, just need to keep working to get there.

Motion to close the public hearing by Bob Washo. 2nd by Jim Smith. All in favor. Motion carried.

Public Hearing closed at 6:08pm.

Regular Meeting

Present

Supervisor Mary Ann Ashely, Council Members Bob Washo, Tim Daney, James Smith, and Martha Foley Smith

Also Present

Town Clerk/Tax Collector Karin Blackburn, Historian Linda Casserly, Attorney Eric Gustafson, Assessor Cindy Brand, Code Enforcement Officer Jeff Murray, Highway Superintendent Calvin Rose, Economic Development Director Leigh Rodriguez, John Gray

Members of the Public: Katie Christiansen, Legislator Kevin Acres, Paul Baxter, Dan Huntley, Toby Irven, Heidi Smith, Adam Atkinson, Ellis Giacomelli, Bill Myers, Scott Shipley, Dan Soulia, Lyne Soulia, John Taillon, James Blackburn, Michael Hammond, Universal Soil Loss Equation Company

A. Call Regular Meeting to Order 6:09pm

B. Public Comment

Lyne Soulia: Couple of things to put out there.

1. New Year 2021: More information put out to the public to have access vs. going to the website. If people don't know it's there, they don't know to go there. Posting to Facebook might be a good place and supply a link to the Canton website. That way the public can be more educated about what is going on. Unless she goes to the website daily, she doesn't know what is happening.

2. She talked with Karin Blackburn. Once minutes are approved, they will be available on the website so people can view the Zoom recording. People can read the minutes, but it is good to see what is going on. Since minutes have been approved for past meetings, perhaps the past Zoom recordings can be made available.

3. Said it last month and is saying again this month. Would like to see everyone's face, not just names.

Jim Smith: if you are referring to me, I'm here. I just got out of the hospital a half an hour ago. If I have to be on video, I'll pass on the meeting. If people are insistent, I need to keep my video on, I may just leave the meeting. I don't miss Town Board meetings, but if people are insistent, I may just leave.

Lyne Soulia: Said she understood and that it was totally up to the council, but from now on people on the call should be able to see who is there and who is participating.

Supervisor Ashley: agendas are posted and sent out five days in advance of the meeting, and also posted in the foyer.

Bob Washo: as a Board member, applauding Council Member Smith for coming to meeting. Bob would like Jim to stay in the meeting, he is an important member of team. Understands what Lyne is saying.

Tim Danehy: He echoes what Bob said.

Supervisor Ashley also thanks Jim for being here. Please stay. We wish you well in your recovery.

C. County Legislature Representative(s) Update(s)

Kevin Acres

- ✓ Total sales tax: \$64 million 500

Passed a resolution for keeping the sales tax for the villages and town whole. To relieve the angst and worry.

Resolution that was tabled. Already done a one-year extension for the city of Ogdensburg. Up to finance, another two years. He doesn't support it. He thinks he will have to vote for it.

Result of the three-year extension – if City of Ogdensburg shares, Canton would get \$81,000 more a year and the Township would receive another \$78,000. Out \$240,000. The resolution says that after two years, the city will preempt, or they will share like the towns and villages. Highly unlikely they will, given the 2010 census and the assessed value. They would be losing 2 million dollars. Right now, they are getting 3.8 million dollars. He doesn't have the votes to stop it, so he agreed to support it reluctantly. 62 million coming in sales tax and more payment is coming.

Sales tax isn't down, even with COVID.

- ✓ Planning on putting up three buildings – salt buildings with five or six bays for the county's trucks – at the Russell, Lisbon, and Potsdam locations. Moving equipment around, going to see a lot less traffic in the Village of Canton. Less sand and less salt. Spreading this out, should make things more productive. \$2.5 million per project. Getting trucks under cover and heated will eliminate technical problems.
- ✓ Awarded regional site for vaccine site for distribution at Maxcy Hall. Work of Ruth Doyle. If we get the vaccine, we can do about 1,000 people per day. Opportunities for County employees to get the vaccine.

Welcomes Martha Foley and Karin Blackburn on their appointments.

Supervisor Ashley: thank you for bringing up the resolution for sales tax. Please verify that the Towns and Villages – through 11/30/2030. Kevin confirmed that it is correct and that it is Joe Lightfoot's resolution.

Bob Washo: do you have a sense of how the internet collection of sales tax affected those numbers?

Kevin Acres: not broken down. Not separated out. They've asked the County Treasurer that question. A lot less impact on the town. Real Estate shifting away from commercial space to office space.

Jim Smith: will these three buildings have their own fuel islands?

Kevin Acres: Yes. 1,000 gallons at each station. Manageable size for containment, environmental. Septic system for bathrooms. All preliminary. Meeting just took place last week. Next stage will be presentation before the Board. \$7.5 million. One outside funding source for the Russell salt facility. Between half million and \$700,000.

Tim Danehy: please clarify – agreement extending Towns and Villages through 2030, but still losing money. That money would get redistributed to the other towns and villages.

Kevin Acres: \$3.7 million – impact any County share – same formula – they would get roughly \$1.9 million less. The city would argue, and legislator Jim Reagan would argue, the problem with the city, 60% of the budget is in police and fire. Other cities are 24% and 25%. There are lots of properties that they own, and they haven't done anything with them. Major drivers are car dealerships, building supply, and restaurants. Compare that to Village of Potsdam, add college students. They are generating a lot more sales tax than the City. He's trying to get people to wait for the 2020 census. We're going to see a decline.

D. Approval of Minutes

- **12/9/2020**
- **12/10/2020**
- **12/17/2020**
- **12/31/2020**
- **1/6/2021**
- Motion to approve minutes made by Bob Washo, 2nd by Tim Danehy.

Discussion:

Jim Smith: 12/31/2020 minutes, someone at the 1/6/2021 said he wasn't heard voting. He did vote and the minutes reflect it.

Supervisor Ashley: she did vote to fill the Board seat as well. With Zoom, sometimes there are issues with hearing the vote. All in favor. Motion carried.

E. Supervisor's Report

John Gray read over the monthly report which was sent to the Town Council prior to the monthly meeting.

Total Cash Balance: Just under \$1.2 million

Discussion:

Bob Washo: Thank you, John Gray. Bob spoke to the growing fund balance by not having a full highway crew and cautious spending when it comes to road construction. Hoping to turn that money into black top this season if everyone stays healthy.

Supervisor Ashley: Thanks Gray & Gray for their due diligence that was done through the year.

Tim Danehy: We've set up ourselves well for what could be a bad situation with the state budget. We'll see what happens with the federal administration to see if some relief comes to state and local governments. If that doesn't come, that could impact us. We've set ourselves to deal with that if we need to and hopefully we can get more miles of road done.

Supervisor Ashley: Town Budgets are very layered, 20 revenue sources, none are guaranteed.

Even though it's on paper, we have to make sure the revenue is in there to accomplish what we need. Proud of what we've accomplished. Through the pandemic, everyone has pulled together.

F. Correspondence

- Resolution from the county on the sales tax issue. See attached.
- Notice from NY Unified Court System – annual notice that the court committee needs to do a review of the physical records. Committee must do it by March 1st. See attached.

G. Audit Committee

A Fund \$20,163.10

B Fund \$3,636.13

DA Fund \$15,299.81

DB Fund \$0

SL Fund \$360.01

SF Fund \$0

TA Fund \$17,122.63

Motion to approve the expenditures made by Bob Washo, 2nd by Jim Smith.

Discussion:

Bob Washo: Tree work Miner Street connector \$3200. Tree work on some other roads.

Thanks, Calvin, for working cooperatively with the Village.

All in favor. Motion carried.

H. Department Reports

Linda Casserly, Historian:

- Crazy month, especially with the orphans issue. Received a whole folder in 1996 when Mary Smalling was leading as the County Historian. Vital Statistics in Albany didn't get back to her yet. She would love to see it transcribed. Complete list of all the Towns and Villages and who they were adopted by. Huge project. Good for people researching - 1860 – 1880s. Birth, death, marriage.
- Working with Leigh and Eric – pictures for street scape grant. Do it when the road was being done.
- Welcome to Martha.

Cindy Brand, Assessor:

- Welcomes Martha Smith on Board. Great article in North Country Now.
- Talking about resolution later in the meeting. Sending out letter to property owners to let them know what we're doing.

Recap on the resolution: Senior age exemptions, being taken care of through the state. 467 exemption for low-income seniors, based on sliding scale (calculated in RPS). Those individuals have to come in every year and show income. Now they can renew automatically renew, as long as the Board approves this resolution. We only have 39 of these exemptions, affecting 39 property owners in the town of Canton.

Jim: What happens if you are applying for the very first time?

Cindy: As long as they are getting an exemption, she will mail an application to mail back with a worksheet to reflect income.

Bob: Do you know or can you let us know how many solar tax exemptions currently exist in the Town and Village of Canton.

Cindy: 84 solar exemptions

Calvin Rose, Highway:

- Two new hires are doing really well and catching on fast. Good workers.
- Completed tree work on Miner Street – Putney Tree Service did that work.
- Steven has laptop – set up to do searches for parts.

Jeff Murray, Code:

- December slow – month to clean stuff up and get ready for the next person.
- Bob: thank you for your service, Jeff.
- Tim: thank you. Seems like yesterday we were bringing you on board. CEO is a tough job. Parts are fun, working with the contractors. Handled it well and provided a good service to the town.
- Mary Ann: started at the same time. Worked hard. Spoken to the Town of Potsdam Supervisor, sorry to see you go. Their gain. We know where to find you. Not an easy job. Code enforcement and building inspections. Appreciated working with you, Jeff.
- Linda: 2nd floor staff people, she and Cindy will miss Jeff. Robust personality. We'll miss you.
- Cindy: Work together really well. Wishes him well.

Leigh Rodriguez, Economic Development:

- Working on year-end reporting for all the grants.
- Deadline for the NYS Main Street application due tomorrow. This time we are preselecting projects instead of selecting after submitting to the state. We learned through state webinars that doing it this way is the most competitive process. 17 applications. Varying levels of detail and completeness. Selected 8 projects. Full request of \$500,000. Continue pressing on with that. Should know by March.
- 2nd public hearing for DQ project before we can close on that community development block grant is scheduled for 20th at 6:15pm before Village Board meeting.
- Canton Housing Authority elevator project, also a community development block grant, received an extension – COVID related. State understands and were supportive. Slowly moving forward. Have until the end of this year to complete that project.
- Submitted final close out for Pyrites boat launch. May not get all of reimbursement because of many staff changes, admin changes, and documents were not where they should've been. Final reimbursement is expected soon.
- Marketing Public Session – for Grasse River Blue Way Trail – 1/21. Zoom meetings at 3:30pm and 6pm. Duplicate session, welcome to come to one or both. GRBWT have finalized the boundary and boundary maps are completed.
- Finalized scope of work for culvert work for Crescent Street. Ready to move forward with that when Marty and crew are ready.

- Municipal Water Service to Maple Subdivision – the water is now turned on to the Community Bank building and for the residents. Grants in place to assist with the cost of this. We hope to see new development and commercial over there.
- Small grant from locable to develop a promotional and marketing website for the community – rolled out a little slower than they had hoped. We’ve seen a draft, seen tweaks, host business directory and will allow cross promoting of businesses. Social media plan – Discover Canton – a website with that name. Lots going on.

Bob Washo: happy for Leigh and the Town that the legacy grant is almost behind us. Important for the record to identify that, we’ve been sticklers about dotting i’s and crossing t’s – process authentic and abiding by the law. Example of contract that was never kept up to date, that ended up costing us money. For all the eye rolls we get for going the extra mile and following processes- this is why we are such sticklers. It affects everyone in the town.

Leigh Rodriguez: Very critical. Very challenging grant to try to piece together. Did the best they could. Unfortunate, but it won’t happen again and we’re moving on.

Supervisor Ashley: last three years, working closely with Leigh’s office to make sure she gets copies of all documents. We’ve set a schedule to put in a reimbursement every quarter to make sure the cash flow is there.

Jim Smith: Maple Hill – water and sewer?

Leigh Rodriguez: There will be a second boring done. Some delay with the first boring – hit some significant rock. Needed to retreat and repair their equipment. Come spring, they will be back to drill another boring. The boring to put the pipe through will be there, and she is guessing they will run the pipe through. Running the pipe under the river.

Town Clerk:

- Almost two weeks since I started in the office.
- Very productive.
- Updated financial accounts at the bank to move forward.
- Fielding requests.
- \$868,000 in tax payments have been processed.

Motion to accept Department Reports made by Bob Washo, 2nd by Jim Smith. All in favor.
Motion carried.

I. Committee Reports

- Code Committee (Bob Washo):
Code committee organized a workshop – Monica did a great job presenting best practices. The longer you are on the board, the more you get out of it. This was an initial kick off, then take a step back and talk about process. You want to make sure your code serves you well. Start with a strong foundation. Workshop was well received.
- Recreation Committee (Tim Danehy):
Recreation off to a good start with Reimagining Recreation. Working with an engaged group. Now going through the assessment phase. First meeting: what do we have.

Second meeting: what are we lacking, what do we need. The Committee will start presenting some of the realities when it comes to existing funding levels. Contact anyone on the Town Board or on the Recreation Committee with questions or if you have input.

- Supervisor Ashley met with Martha. She has expressed interest in a few committees.
- Bob Washo asked Toby Irven if he had anything to offer for Complete Streets. Complete Streets is trying to finish some projects. Hoping to take a slightly different approach to some of the tasks it takes on. A lot of pieces going on in various ways, and the committee doesn't want to lose site. Another effort into doing better communication to the Boards and from the Boards. Work to do with the Planning Board and how they integrate with them. Hoping to contact the chairs of those organizations. Grant opportunities coming along with regards to Main Street.

J. Old Business

- Highway Appointment – Corey Wagner – 12/19/21
Appointed by Highway Superintendent Calving Rose as a Motor Equipment Operator

K. New Business

- Agreement with Town of Russell Agreement for the Northwoods Road to maintain it. \$4,500 annual agreement. (See attached)
Motion made by Bob, 2nd by Martha. All in favor. Motion carried.
- Annual Hold Harmless – County of St. Lawrence Resolution (See attached)
Motion made by Mary Ann, 2nd by Jim Smith. All in favor. Motion carried.
- Association of Towns remote meeting this year. Clerk Blackburn shared the 2021 Proposed Legislative Program that Supervisor Ashley will be voting on. Supervisor Ashley reviewed the list for meeting participants. (See attached).
Discussion:
Bob Washo: 1 – 13 he is familiar with and fine with. 14 he isn't familiar with.
Tim Danehy: Dark Store Theory: an active, vibrant big box store should be assessed the same as an empty, abandoned big box store. Doesn't look like it affects the Town of Canton.
Cindy Brand confirmed this is correct. There's a reason these resolutions are on there every year.
Jim Smith: Doesn't have a problem supporting all resolutions even if the Dark Store Theory doesn't affect the Town.
Motion to support the 2021 the AOT Legislative Program made by Jim Smith, 2nd by Bob Washo. All in favor. Motion carried.
- Resolution Suspending the Requirements of Renewal Applications as a Condition Granting Exemptions under Sections 459-C and 467 of the Real Property Tax Law (See attached)
Supervisor Ashley: Assessor's Association advocated for the Governor to change this to make it easier for the public.
Motion to accept this resolution made by Tim Danehy, 2nd by Jim Smith. All in favor.
Motion carried.

- Brooks Washburn Agreement for Professional Services (See attached)
Total cost: \$11,948. Part of the grant the Town has already been approved for.
Motion to approve this agreement made by Jim Smith, 2nd by Martha Foley Smith. All in favor. Motion carried.
- Accept resignation for Code Enforcement Officer Jeff Murray (See attached)
Motion to accept Jeff Murray's resignation made by Supervisor Ashley, 2nd by Jim Smith. All in favor. Motion carried.
Tim Danehy asked Eric Gustafson if the Board accepts this resignation.
Eric Gustafson confirmed that it is traditional for Board to accept.

L. Public Comment

- Legislator Kevin Acres
 - ✓ Opening drive through at the DMV. St. Lawrence County is one of two counties that has a drive through. Not sure when they are opening. Due to a COVID employee they are shut down right now. One in Ogdensburg, back up and running. Utilize those services and get the revenue.
 - ✓ Cannabis – if the legislative body passes, then the county can sell it. Opinion is that with the taxes, people will still use their local suppliers. Any input helps making this decision.

Bob Washo: resolution was passed last year. Once more if the details come out, he sees the Board weighing in again. He asked Kevin if he has asked his colleagues about this issue.

Kevin Acres: no, he has not.

Bob Washo: any laws surrounding use would be applicable to the county – sales tax generated in the respective county for the product?

Kevin Acres: Legislators will need for the towns to have some input. Some towns may not want someone to open a shop in the middle of town.

Bob Washo: appreciates that Kevin brought it up. This can often be a sensitive subject.

Tim Danehy: the Canton Town Resolution was addressed to the State for them making the Statewide decision, copied the County, but not addressed to the County. Waiting for the decision on the State level. If the State moves forward, the County will start hearing from the Towns.

M. Executive Session

Upon majority vote upon a motion that identifies the subject to be considered, the Council will conduct an executive session to discuss any of the issues identified as proper by Public Offers Law 105 (1) (D) discussions regarding proposed, pending or current litigation and (F) matters pertaining to medical, financial, credit employment history of a particular person or corporation or matters, leading to the appointment employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

1. Motion to go into Executive Session at 8:54pm made by Tim Danehy, 2nd by Bob Washo. All in favor. Motion carried.

2. Motion to come out of Executive Session at 9:54pm made by Bob Washo, 2nd by Jim Smith. All in favor. Motion carried.
3. Motion to adjourn at 9:55pm made by Jim Smith, 2nd by Martha Foley Smith. All in favor. Motion carried.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Karin Blackburn".

Karin Blackburn
Town Clerk

January 4, 2021

Finance Committee: 12-21-2020

RESOLUTION NO. 16-2021

**COMMITTING TO HONORING THE CURRENT DISTRIBUTION FORMULA OF
SALES AND COMPENSATING USE TAX TO THE TOWNS AND VILLAGES
IN ST. LAWRENCE COUNTY**

By Mr. Acres, Chair, Finance Committee
Co-Sponsored by Mr. Lightfoot, District 3; Mr. Sheridan, District 4;
Mr. Burke, District 12; Mr. Arquiett, District 13; and Ms. Curran, District 15

WHEREAS, St. Lawrence County and the City of Ogdensburg are parties to a Sales Tax Agreement ("Agreement") concerning the allocation and distribution of money collected from the Sales and Compensating Use Tax covering the period commencing December 1, 2010 and ending November 30, 2020, and

WHEREAS, in 2013, St. Lawrence County and the City of Ogdensburg negotiated an amendment to the original Agreement ("Amended Agreement") specifying the distribution of revenue from an additional one percent (1%) receipt of Sales and Compensating Use Tax, and

WHEREAS, both the original Agreement, the initial Amended Agreement, and the currently operative Amended Agreement were approved through adopted Resolution Nos. 364-2009 and 63-2013 by the Board of Legislators, and

WHEREAS, under both the Agreement and the subsequent Amended Agreements, the language of the agreements has provided not only for the distribution of collected Sales and Compensating Use Tax between the City of Ogdensburg and the County but also between the County and the Towns and Villages wholly contained within the County, and

WHEREAS, under the current formula, the respective Towns of St. Lawrence County receive 43.562611% of the collections of the primary three percent (3%) Sales and Compensating Use Tax imposed by the County, distributed to the Towns based upon a formula which takes into account both population and full value assessment pursuant to Tax Law § 1262(c), and

WHEREAS, subparagraph (iii) of the opening paragraph of Tax Law § 1210 was amended effective July 31, 2013 to include St. Lawrence County in the group of counties authorized to impose Sales and Compensating Use Tax at a rate that was one percent (1%) additional to the three percent (3%) rate for the period beginning December 1, 2013 and ending November 30, 2015, and

WHEREAS, on or about April 5, 2020 New York State Senate Bill No. S7508B and New York State Assembly Bill No. 9508A, which constituted a portion of the New York State Budget, was passed and included "Item NN", which authorized the County to impose an additional one percent 1(%) of Sales and Compensating Use Tax until 2023, and

January 4, 2021

WHEREAS, the County adopted a Home Rule resolution which provided that ten percent (10%) of the additional one percent (1%) authorized by "Item NN" would also be distributed to the Towns until such time as the authority is rescinded, lapses, or the County no longer imposes such tax, pursuant to Tax Law § 1262(c), and

WHEREAS, the Board of Legislators and the City of Ogdensburg have been engaged in negotiations, as contemplated by the Agreement and the Amended Agreement, in an effort to reach a new agreement concerning the allocation and distribution of money collected from the Sales and Compensating Use Taxes covering the period commencing December 1, 2020 and ending November 30, 2030, with the City of Ogdensburg and to distribute the revenue from both the imposition of the primary three percent (3%) and the additional one percent (1%) in collections of the Sales and Compensating Use Tax, and

WHEREAS, to date the parties have not yet reached a long-term agreement, but continue negotiations, and

WHEREAS, during the course of the negotiations, numerous statement have been made that suggest the County intends to decrease or diminish amounts shared with the Towns as a part of the negotiations with the City of Ogdensburg, and

WHEREAS, under the New York State Tax Law, the County is under no obligation to share any portion of the Sales Tax receipts with the Towns when negotiating with a City wholly contained within the boundaries of the County in question and when operating under a negotiated agreement with said City, and

WHEREAS, despite this fact, the County has, for decades, made appropriations for the Towns and Villages and distributes percentages of the Sales Tax receipts with all of the towns of the County, and

WHEREAS, the County and the Board of Legislators recognize the difficult fiscal times faced by all municipalities and further recognize that the Towns and Villages perform irreplaceable services for their constituents and their communities, and

WHEREAS, in recognition of their contributions to their communities and the need for budgeting stability in times of great uncertainty, the Board of Legislators commits that regardless of what occurs with the negotiations between the City of Ogdensburg and the County, the County shall not decrease the percentages of Sales Tax distribution currently allotted to the Towns for the period of the present through November 30, 2030, which is the end of the current period of coverage for any agreement to be obtained by the negotiating parties, and

NOW, THEREFORE, BE IT RESOLVED the Board of Legislators commits to honoring the current distribution formula of Sales and Compensating Use Tax to the Towns and Villages in St. Lawrence County, and

January 4, 2021

BE IT FURTHER RESOLVED that should St. Lawrence County and the City of Ogdensburg fail to reach an agreement concerning the allocation and distribution of money collected from the Sales and Compensating Use Tax covering the period commencing December 1, 2021 and ending November 30, 2030, the County will continue the current distribution formula utilized with respect to the Towns and Villages contained within St. Lawrence County through November 30, 2030, and

BE IT FURTHER RESOLVED that any agreement that is able to be reached for the period ending November 30, 2030 with the City of Ogdensburg shall include provision for the Towns for distribution to the Towns in the same manner and utilizing the same percentages as are currently operative for the distribution of Sales and Compensating Use Tax, and

BE IT FURTHER RESOLVED that a copy of this resolution will be delivered to the respective Town and Village Boards wholly contained within the County of St. Lawrence.

STATE OF NEW YORK)
) ss:
COUNTY OF ST. LAWRENCE)

I, Kelly S. Pearson, Deputy Clerk of the St. Lawrence County Board of Legislators, **DO HEREBY CERTIFY** that I have compared this Resolution No. 16-2021 Entitled "Committing to Honoring the Current Distribution Formula of Sales and Compensating Use Tax to the Towns and Villages in St. Lawrence County", adopted January 4, 2021, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

Kelly S. Pearson
Kelly S. Pearson, Deputy Clerk
St. Lawrence County Board of Legislators
January 5, 2021

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

RECEIVED
BY *Amh* DATE 12/28/2020

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

December 23, 2020

Supervisor Mary Ann Ashley
Town of Canton
60 Main Street
Canton, NY 13617

Dear Supervisor Ashley:

Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to the auditing board of the town, and that such records then be examined, and that fact be entered into the minutes of the board's proceedings.

The Unified Court System's Internal Audit office is responsible for monitoring town and village board compliance with Section 2019-a. Accordingly, I am requesting that you provide a copy of the audit of your local court's records for fiscal year ending in 2020 and a copy of your board resolution acknowledging that the required examination was conducted. Please email the report and the resolution to jcasazza@nycourts.gov or mail to George Danyluk, Chief Internal Auditor, NYS Unified Court System, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033. Please respond by March 1, 2021.

If you have any questions, please contact Joan Casazza at (518) 238-4303 or at the email listed above. Thank you for your cooperation.

Very truly yours,

/smw

c: George Danyluk, CIA
Joan Casazza, CIA

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE TOWN OF CANTON AND TOWN OF RUSSELL IN REGARD TO
THE NORTH WOODS ROAD**

THIS MOU, is made on the _____ day of _____, 202__, between the Town of Canton, a municipal corporation, and the Town of Russell, a municipal corporation.

INTENT

It is the intent of this MOU to provide an agreement between the two municipalities with regard to a road known as the North Woods Road, which lies partially in the Town of Canton and partially in the Town of Russell.

DESCRIPTION OF ROAD

This MOU pertains to the portion of the North woods Road which lies in the Town of Canton and can be described as follows: Commencing at a point in the Town of Canton where the Town of Canto Highway Department has a turnaround, and then proceeding generally southerly 590 feet where the road makes a sharp right-had turn in a westerly direction; thence proceeding westerly 1499 feet, with the centerline of the road being the town line between Canton and Russell.

The road then makes a loop in a south to southwesterly direction and is entirely in the Town of Russell (this portion of the road is not subject to this MOU). The distance that is in the Town of Russell is 1750 fee. Thence the road wings back into a westerly direction following the town line for an approximate distance of 849 feet to a left-hand curve; from that point on, the road is entirely in the Town of Russell and not subject to this MOU. The portion of the road that is subject to this MOU is the 590 feet, the 1499 feet, and the 849 feet for a total of 2938 feet.

MAINTENANCE

The Town of Russell will be responsible for four season maintenance of the 2938 feet. Said maintenance shall include repair, plowing, grading, graveling, brushing the roadside and any other activity attributable to road maintenance. The town of Russell will set the work schedule on this road, provide all labor and supervise said labor. The town of Canton will have no supervision over this portion of the road located in the Town of Canton.

PAYMENT

For and in consideration of this MOU, the Town of Canton will pay to the Town of Russell the sum of Four Thousand Five Hundred and 00/100 Dollars (\$4,500.00) annually. Said sum shall be paid in the month of June each year.

TERMINATION

This MOU shall continue until terminated by either party. Termination requires sixty (60) days written notice from either party. If the MOU is terminated between January 1st and December 31st, said payment of \$4,500.00 shall be on a pro rata basis.

RATIFICATION

The Supervisors of each Town, by their signatures below, indicated that each Town Board has given its appropriate authority to sign this Memorandum of Understanding.

Town of Canton Supervisor

Date

Town of Russell Supervisor

Date

TOWN OF CANTON
RESOLUTION NO _____
HOLDING HARMLESS THE COUNTY OF ST. LAWRENCE
FOR PROVIDING SERVICE FOR 2021
JANUARY 14, 2021

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 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.

Date

Town of Canton

By:



2021 Proposed Legislative Program

Submitted for consideration to the Association of Towns Resolutions Committee

*Edmond Theobald, Supervisor, Town of Manlius, Onondaga County
First Vice President, Association of Towns, Chair of the Resolutions Committee*

1. Preserve and Support Home Rule
2. Share Potential Cannabis Revenue and Support Local Option
3. Support the Expansion of Cellular and Broadband Service while Preserving Local Authority
4. Seek Town Input for Clean and Renewable Energy Decision Making and Initiatives
5. Provide Towns the Authority to Determine Town Real Property Tax Exemptions and PILOT Agreements for County IDA-Sponsored Projects
6. Support and Fund Local Roads, Bridges and Highway Operations
7. Provide Training and Funding for Police Reform Requirements
8. Support Funding for Town Justice Courts by Increasing Reimbursement Rates, Authorizing Surcharges and Addressing Unpaid Parking and Traffic Fines
9. Provide Towns with More Options to Address Revenue Shortfalls and Cover Operating Expenses
10. Support Funding for Towns during COVID-19
11. Collaborate With Towns on Responses to COVID-19 and Vaccine Distribution
12. Create a Statewide Committee to Evaluate the Impacts of Recent Criminal Justice Reforms
13. Amend the Utility Moratorium on Termination of Services to Ameliorate the Financial Burden on Local Governments
14. Proactively Eliminate the "Dark Store Theory" as a Valuation Method to Reduce Real Property Tax Assessments

**TOWN OF CANTON
RESOLUTION _____**

**ADOPTS PROVISIONS OF EXECUTIVE ORDER 202.83 SUSPENDING THE REQUIREMENTS OF
RENEWAL APPLICATIONS AS A CONDITION TO GRANTING EXEMPTIONS UNDER SECTIONS
459-C AND 467 OF THE REAL PROPERTY TAX LAW**

WHEREAS, on March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York, and

WHEREAS, on December 18, 2020 said declaration was extended to include: Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, which permits the governing body of an assessing unit to adopt a resolution directing the assess to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, and

WHEREAS, the Town is desirous in adopting such resolution while also allowing the Assessor to require a renewal application to be filed when they have reason to believe that an owner qualified for the exemption on the 2020 assessment roll may have since changed their primary residence, added another owner to the deed, transferred the property to a new owner, or died, and

NOW THEREFORE BE IT RESOLVED, that the Canton Town Board is authorized to pass such resolution, and that the Assessor is instructed to take any such necessary actions in the above-described directives.

Date

Canton Town Clerk

**BROOKS
WASHBURN**
ARCHITECTURE, DPC

Brooks Washburn, AIA, LEED, AP

08 December 2020

Town of Canton
Municipal Building
60 Main St.
Canton, New York 13617

Re: Widening and Re-alignment of Miner Street Road for Multi-Use (Bicycle/Pedestrian) Lane
in the
Town of Canton, New York

Members of the Board:

Thank you for your request for a proposal for continuing design and construction document and construction period services for the widening and re-alignment of Miner Street Road for a multi-use (bicycle and pedestrian) pathway in the Town of Canton.

Based on our previously completed work on the current existing conditions documentation and preliminary design concepts, we understand the work will consist of the continued design development of the concept, coordination with utility companies as needed, and construction documents, and construction period services. We understand the improvements to Miner Street Road will consist of the roadway from the Miner St bridge to Taylor Park Road. We will work with the Town to determine which portions of the construction work will be completed by the Town and County and which parts may be completed under competitive bidding.

Professional services will include the following:

Step 1: Existing Conditions/Base Drawings (partially completed under earlier contract)

- a Obtain additional data on existing right-of-way site plan
- b Review design guidelines and requirements

Step 2: Design Review (partially completed under earlier contract)

- a Review existing ROW conditions
- b Develop design alternatives, including possible utility company coordination
- c Select final design concept
- d Develop detail and material decisions
- e Conceptual civil detailing and material decisions
- f Coordination with National Grid, Spectrum, and Verizon for pole relocations as needed

Step 3: Construction Documents

- a Prepare drafted plans, sections, and details to receive permits and for construction

Step 4: Bidding and Construction Period

- a Assist with bid period site visits, bid tabulation and review, and contract award

**BROOKS
WASHBURN**

ARCHITECTURE, DPC

Brooks Washburn, AIA, LEED, AP

- b Observe the progress of the work
- c Assist in decisions which arise during the process of construction
- d Assist during the construction phase with weekly site visits, project meetings, review of submittals, certification of payment applications, and contract close-out, as requested.

The cost of this service to you will be based on our hourly rates (Architects/Engineers \$136./hr, Technical 1 Consultants \$84./hr, Technical 2 Consultants \$64./hr, Technical Clerical \$44./hr), including all expenses other than reimbursable expenses to the architect, in the estimated cost ranges outlined below:

	Arch	Tech 1	Tech 2	Clerical		
	BW	JC	DW/TH	AW/WL		Totals
1 existing conditions/base drawings (partially completed)	2	2	4	1	\$740	9
2 design review (partially completed)	8	2	22	2	\$2752	34
3 construction documents	12	2	32	2	\$3936	48
4 bidding and construction period (including utility coordination)	18	8	16	4	\$4320	46
total hours	40	14	74	9	\$11748	137
rate	\$ 136	\$ 84	\$ 64	\$ 44		
labor cost	\$5440	\$1176	\$4736	\$396		\$11748
printing during bidding and construction						\$ 200
total cost						\$11948

Please contact me with any questions.

Thank you.



Brooks Washburn, AIA
Brooks Washburn Architecture, DPC

If the above meets with your approval, please sign, date, and return one copy to me.

Approved : _____

Date: _____

January 11, 2021

Town of Canton
60 Main Street
Canton, NY 13617

Dear Mary Ann & Town Board:

Please accept this letter as formal notification that I am resigning from my position as Code Enforcement Officer in the Town of Canton. My last day will be January 22, 2021.

Thank you for the opportunity to work in this position for the past three years. I will do everything possible to wrap up my duties here and assist to make a smooth transition.

Sincerely,

Jeffrey Murray

