

TOWN OF CANTON
Public Hearings/Regular Board Meeting
Thursday, October 12, 2022
In Person & Zoom
Minutes

Present:

Mary Ann Ashley	----	Town Supervisor
Bob Washo	----	Council Member
Jim Smith	----	Council Member
John Taillon	----	Council Member
Bob Santamoor	----	Council Member

Also Present: Town Clerk/Tax Collector Heidi L. Smith, Deputy Town Clerk Leanna Moquin (zoom), Confidential Secretary/Bookkeeper Sharon Brunet (zoom), Assessor Cindy Brand (zoom), Highway Superintendent Steven Smith, Justice Mike Morgan, Code Enforcement Officer Mike McQuade, Historian Linda Casserly, Angela Gray CPA, Bill Buchan, Esq., Attorney Eric Gustafson

Absent: Economic Developer Leigh Rodriguez, Recreation Director Meghan Richardson

Public Attendance: Tom Graser Watertown Daily Times, Paul Mitchell North Country This Week, Toby Irven (zoom), Ryne Martin (zoom), John Casserly (zoom), Ann Heidenreich

Public Hearing #1

Supervisor Ashley opened the Public Hearing at 6:15 PM.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Canton will hold a Public Hearing before its regular Board Meeting on October 12th, 2022, at 6:15 PM, at the Town Hall, 60 Main Street, Canton, NY 13617 for the purpose of considering a local law providing authorization and written procedures governing member and public attendance at meetings of the Town's public bodies in the Town of Canton, County of St. Lawrence, and State of New York.

No public comment.

Attorney Eric Gustafson added that by passing this local law the Town is following the State Statute.

Council Member Bob Washo added with this the Town will be prepared if anything were to happen again.

Supervisor Ashley closed the public hearing at 6:23 PM.

Public Hearing #2

Supervisor Ashley opened the Public Hearing at 6:25 PM.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Canton will hold a Public Hearing before its regular Board Meeting on October 12th, 2022, at 6:25 PM, at the Town Hall, 60 Main Street, Canton, NY 13617 for the purpose of considering a local law to override the tax levy by the Town of Canton, County of St. Lawrence pursuant to General Municipal Law 3-c, and to allow the Town of Canton, County of St. Lawrence to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law 3-c.

No public comment.

Supervisor Ashley stated this local law is a safety net for the Town. If the Town does not have to go over the tax cap the local law will be rescinded.

Supervisor Ashley closed the public hearing at 6:28 PM.

A. Call Meeting to Order/Welcome

Supervisor Ashley called the Regular Board Meeting to order at 6:30 PM. Ashley added two new items to the agenda **Old Business #8. Solar Update and New Business #6. Highway Expenditure Request.** Ashley moved #8 up in the agenda.

Old Business:

8. Solar Update

Bill Buchan, Esq. Solar Law gave an update on the Solar Projects in the Town of Canton. Currently the Town has seven community solar projects. Buchan has been working with the planning board and reported that the planning board is doing an excellent job and moving right along with all projects. Buchan has been in communications with all solar vendors to let them know there is a host community benefit agreement required. Buchan hopes that by the next meeting he will have some numbers for the host community benefit agreement. The other project is the EDF project, they have published their 60-day notice saying within the next 60-days they will file their application. This is important for the Town because the Town needs to do an intervenor funding application. Buchan will prepare application so the Town will become eligible for funding. Buchan also reported that he went on a site walk and looked at several different roads for a visual impact analysis. This was very helpful for Buchan. Buchan also met with Highway Superintendent Smith to look at the road use agreement to get Smith’s comments and concerns. Code Officer McQuade gave Buchan the materials that EDF presented to the fire departments.

Council Member Bob Washo added that the County was also part of the site walk and Matilda Larson from the County Planning Office was helpful with facilitating a conversation on what the Town needs to be thinking about and gave some input.

Buchan added the most important part of the project from the Towns perspective is what are the Towns people going to see? How are they going to feel about the visual impacts? Buchan is in discussion with EDF for tools to model the visual impact. Buchan added it was helpful to see some of the areas that will be impacted, and the impacts will be very significant.

Council Member Smith added his concern is that people in Canton need to understand that a 17,000-acre solar project is going to change Canton.

B. Public Comment

Stephanie Petkovsek, a candidate running for St. Lawrence County Legislature District 8, introduced herself to the board and members of the public.

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

None

D. Approval of Minutes

A motion was made by Council Member Bob Santamoor and seconded by Council Member Bob Washo to approve the September 14, 2022, Regular Board Meeting Minutes.

All in favor. Motion carried.

E. Correspondence

1. Supervisor Ashley reported the Town received a letter from the Volunteer Transportation Center. They are requesting \$1,800 from the Town of Canton to assist in their efforts for transportation in the Town.

2. Supervisor Ashley reported that the Town received the Fiscal Stress Score from the NYS Comptroller Office. Ashley reported in 2017 the stress score was 15.8 and now in 2021 is it zero. Ashley also reported that the environmental stress score has gone up but that is nothing the Town can control. Ashley thanked Gray & Gray for all their work to get the Town to where they are.

F. Town Financial Reports

Angela Gray, Gray & Gray read over the highlights for the nine months of the 2022 Town financial report. The Town financial report was sent to the Town Council prior to the monthly meeting.

Council Member Bob Washo asked Angela for updated monthly ARPA reports.

Angela Gray, Gray & Gray read over the Town Clerk's financial report for the month of September 2022. Angela reported at the last month's meeting there was a small overage

in the clerk's report. It has cleared itself out in the month of September as expect. There was also a returned check for the month of September that is expected to clear out at the end of this month. Angela added everything balances out and looks good. The Town Clerk's report was sent to Town Clerk Smith and the Town Council prior to the monthly meeting.

Clerk Smith added the returned check has been taken care of which will reflect in the October report.

G. Audit Committee

"A" General Fund	\$47,482.16
"B" Town Outside	\$16,361.06
"DA" Town Wide Highway	\$8,762.33
"DB" Highway	\$22,841.21
"SF" Special Fire	\$3,958.00
"SL" Special Lighting	\$285.52
"TA" Trust & Agency	\$20,364.25

A motion was made by Council Member John Taillon and seconded by Council Member Bob Santamoor for the approval of the October expenditures.
All in favor. Motion carried.

H. Acceptance of Department Reports

Assessor

Assessor Brand reported that there were 30 sales in the Town of Canton, 15 of those sales need to be reviewed. A report came down from the State that the Senior Income Level Report stating those who are on the enhanced star whose income falls under the \$58,400 may be able to apply for the Ag Exemption.

Code Enforcement Officer

Code Officer McQuade reported that ten new building permits were issued in September. McQuade attended three planning board meetings for solar projects. McQuade received two more solar projects for State Hwy 310 and Nickerson Road. Both projects have been referred to the county for their referrals. Three planning board meetings have been scheduled for the month of October. McQuade continues to assist Clerk Smith with a FOIL request for Town building permits.

Highway

Superintendent Smith reported that the additional pipes have been put in on the Irish Settlement Road. Ditching was also done on the road. Smith was in contact with a representative from NYPA to go over a list of roads to be evaluated. Smith thanked Code Officer McQuade for going to residents' home to address concerns on Miner Street. Smith reported the crew has started getting the plow trucks ready for winter.

Council Member Smith asked Smith what the status was on the sale of the loader. Smith reported that a legal notice has been drawn up and needs to be posted.

Historian

Historian Casserly thanked Bryan Parker for all his help moving to the new building. Casserly shared a few pictures with the board to show some of the progress in the new building. Casserly handed the board a new report because there were a few mistakes in the original report submitted.

Council Member Bob Washo asked if everything was inventoried as it was being moved. Casserly responded yes.

Supervisor Ashley added there are several more steps we need to take before we open to the public.

Town Clerk/Tax Collector

Clerk Smith reported that September was a very busy month especially with hunting sales. Smith reported the Town's internet has been updated to 100/100. Smith reported the clerk's office has also been busy collecting school taxes. Smith added that the website is down at this time.

A motion was made by Council Member Bob Santamoor and seconded by Council Member John Taillon to accept the department reports.
All in favor. Motion carried.

I. Committee Reports

Sustainability Committee

Bob Santamoor reported on the Eco Adapt MOU. Santamoor read through it extensively and reported that there is no financial responsibility by the Town/Village unless a speaker is brought in. According to the MOU Eco Adapt has agreed to pay for venue, refreshments, material, and anything to do with the meeting itself. Santamoor's concern is that there is a lot to the forefront and follow up. Santamoor believes the Town Board does not have the time to do this. Santamoor believes this would need to be done by the Sustainability Committee.

The design of Eco Adapt is to determine climate issues in Canton and Potsdam. Ann Heidenreich added that Eco Adapt is a non-profit organization that works with communities across the country to assist with developing a plan and management tools for climate change. Ann asked that the board and staff participate in the workshop. The sustainability committee will take control of this.

A motion was made by Council Member Bob Washo and seconded by Council Member

Bob Santamoor to allow the Supervisor to sign the MOU.
All in favor. Motion carried.

Zoning Committee

Bob Washo reported zoning updates continue, and the committee continues to meet weekly.

Economic Development Consortium

Mary Ann Ashley reported the committee met and it was a good meeting. It is made up of the principals that support the economic development office. The committee meets two to three times a year to get the principals together. Mary Ann has been facilitating the meeting for the last couple of years. Mayor Dalton will take over and keep moving forward.

J. Old Business

1. Consider Change to Open Meeting Law-Video Conferencing

A motion was made by Council Member Jim Smith and seconded by Council Member Bob Washo to pass a Local Law to Change to Open Meeting Law-Video Conferencing.
All in favor. Motion Carried.

See attached Local Law.

2. Consider Tax Cap Override Law

A motion was made by Council Member Bob Washo and seconded by Council Member Jim Smith to pass a local law to Override the Tax Cap.
All in favor. Motion carried.

3. Confidential Secretary/Bookkeeper Appointment

Supervisor Ashley introduced Sharon Brunet as the new Confidential Secretary/Bookkeeper.

See attached Local Law.

4. Abstract #9 Correction-A Account \$290.00 and B Account \$110.

Supervisor Ashley reported that there was an error made on Abstract #9 that needs to be corrected.

A motion was made by Council Member Bob Santamoor and seconded by Council Member John Taillon to correct abstract #9 A & B account.
All in favor. Motion carried.

5. Recreation Policy for Community Proposals

Supervisor Ashley reported that the Town already passed the first version on the proposal. The proposal went back to committee where some language changes were made.

A motion was made by Council Member Bob Washo and seconded by Council Member John Taillon to rescind the Recreation policy that was passed at the July 13th meeting and consider the new policy presented.

All in favor. Motion carried.

A motion was made by Council Member John Taillon and seconded by Supervisor Mary Ann Ashley to accept the new Recreation Policy for Community Proposals.

All in favor. Motion carried.

6. Housing Funds

Council Member Bob Santamoor reported that himself and Council Member Taillon are still trying to find out who owned the funds originally. Ashley added that when research was done two years ago, a report from Gray & Gray showed that it has always been labeled as Revolving Fund Loans, St. Lawrence County Housing. There is no other documentation for these funds.

Council Member Santamoor added that if the Town were to release the funds to the wrong person or organization and the funds are supposed to be for a different organization or different use. The person who received them may have to pay that back and the Town does not want that to happen.

7. Set 2023 Budget Work Session

The next budget work session is scheduled for October 20, 2022, at 5:00 PM at the Municipal Building in the boardroom.

K. New Business

1. Ratification of CSEA Memorandum of Agreement 1/1/22-12/31/25

Supervisor Ashley reported that the board has seen the MOA, it needs to be ratified and retyped. Both parties will go through it again to make sure everything is all in order. Once that is done there will be a contract.

A motion was made by Supervisor Mary Ann Ashley and seconded by Council Member Jim Smith to ratify the CSEA Memorandum of Agreement.

All in favor. Motion carried.

2. Justice Court Assistance Program (JCAP) Grant

Supervisor Ashley reported that there were two resolutions given to the board and council. One from Ashley and the other from Justice Morgan.

Justice Mike Morgan stated that the funds from the last grant were not used and had to be sent back due to scheduling conflicts with the contractor. That project will be put on hold. Morgan stated that in the meantime there is equipment in the courts that needs to be upgraded.

A motion was made by Council Member Bob Santamoor and seconded by Council Member John Taillon to approve the Justice Court Assistance Program (JCAP) Grant. All in favor. Motion carried.

See attached Resolution.

3. Morley Fire Department Agreement Addendum
Supervisor Ashley stated this will be discussed in executive session.

4. Acknowledge End of Term of Planning Board Chairperson Debra Backus
Supervisor Ashley recognized Planning Board Chairperson Debra Backus for her 29-years of service with the Town. Code Officer Mike McQuade and Council Member Jim Smith also thanked Debra for her service.

5. Set Public Presentation date-Miner Street Road/Drainage Safety Improvement
A meeting is set for Monday, November 14, 2022, at 6:30 PM at the Municipal Building in the Courtroom for a public presentation on Miner Street Road/Drainage safety improvement.

6. Highway Expenditure Request
Highway Superintendent Smith requested to spend \$65,000 for culvert, pipes, and stone.

A motion was made by Council Member Bob Santamoor and seconded by Council Member Jim Smith to approve \$65,000 expenditure. All in favor. Motion carried.

L. Public Comment

None

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)

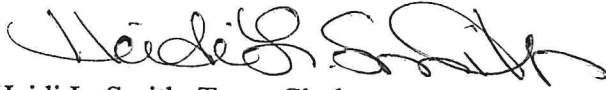
A motion was made by Council Member Jim Smith and seconded by Council Member Bob Santamoor to go into executive session for the purpose of [E] collective negotiations. All in favor. Motion carried.

A motion was made by Council Member John Taillon and seconded by Council Member Bob

Santamoor to adjourn executive session at 8:20 PM
All in favor. Motion carried.

A motion was made by Council Member Jim Smith and seconded by Supervisor Mary Ann Ashley to adjourn the meeting at 8:20 PM.
All in favor. Motion carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Heidi L. Smith". The signature is fluid and cursive, with the first name "Heidi" being more prominent than the last name "Smith".

Heidi L. Smith, Town Clerk

Town of Canton
Local law # 3 2022

COPY

A local law providing authorization and written procedures
governing member and public attendance at
meetings of the Town's public bodies.

Be it enacted by the Town Board of the Town of Canton (Town Board), County of St.
Lawrence as follows:

Section 1. Legislation

The Town Board hereby authorizes all members of the Town's public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Town's videoconferencing policy as set forth herein by the Town Board. The Town's public bodies may participate in meetings via videoconference technology from locations not accessible to the public so long as a quorum of the Town board/body participates from location(s) where the public may be physically present; and extraordinary circumstances exist that prevent the board member from attending in-person and the Town maintains its official website. The Town Board hereby adopts the following as the written procedures to be utilized at any meeting of any public body of the Town of Canton which is subject to the requirements of the Open Meetings Law of the State of New York as set forth in Public Officers Law Article 7.

Section 2. Definitions

A. DEFINITIONS. As used in this legislation, the following terms shall have the meanings set forth.

1. PUBLIC BODY - shall mean any Board of the Town, including the Town Board, Planning

Board, Zoning Board of Appeals, and any other Board performing a governmental function for or on behalf of the Town of Canton.

2. MEETING - a gathering of the members of a Board for the transaction of official business on behalf of the Town, for which a quorum of members must be present.

3. QUORUM - a majority of the members of a Board.

4. PHYSICAL PRESENCE - when the minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations all of which shall be locations at which the public can attend the meeting.

Section 3. Policy Requirements

A. REQUIREMENTS FOR MEETINGS OF ANY PUBLIC BODY:

The following requirements shall be met by any Public Body of the Town of Canton:

1. Members of the public body shall be physically present at any meeting of such public body unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances due to
 - a. disability;
 - b. illness;
 - c. caregiving responsibilities;
 - d. any other significant or unexpected factor or event which precludes a member's physical attendance at such meeting;
2. A public body may, in its discretion, use videoconferencing to conduct its meetings, provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend, and all other requirements set forth hereafter have been met;
3. Except at an executive session, the public body shall ensure that the members of the public body can be heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other

matter formally discussed or voted upon;

4. Minutes of any meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to Section 106 of the Public Officers Law;

5. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend;

6. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town's website within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request;

7. If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony;

8. Nothing herein is intended to prohibit or impede a public body's ability to conduct an executive session in compliance with Section 105 of the Public Officers Law or for members to otherwise meet when not conducting official Town business (i.e. attendance at educational and similar events) in compliance with the provisions of the Public Officers Law, nor shall anything set forth herein alter any requirements previously established by the Town Board for meetings of other groups which are not subject to the Open Meetings Law.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid

or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

10/12/2022

Date

Heidi S. Smith

Town Clerk

Town of Canton

Town of Canton
Local law # 4 2022
A local law to override
the tax levy established in
General Municipal Law-3-c

COPY

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canton, County of St. Lawrence pursuant to General Municipal Law 3-c, and to allow the Town of Canton, County of St. Lawrence to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canton, County of St. Lawrence is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law, 3-c.

Section 4. Severability

If in any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

10/12/2022

Date

Heidi H. Smith

Town Clerk

Town of Canton

TOWN OF CANTON
RESOLUTION 22
October 12, 2022

COPY

**Town Board Support of
Justice Court Assistance program Grant up to \$30,000.00**

WHEREAS, the Town of Canton authorizes the Canton Town Court to apply for a JCAP grant in the 2022-2023 grant cycle up to \$30,000.00, or the exact amount being requested; and

WHEREAS, the Justice Court for the Town of Canton has a heavy caseload because of the presences of two colleges, the St. Lawrence County jail within its jurisdiction, and the Village Court dissolving in December 2012, merging with the town; and

WHEREAS, the Canton Court System operates at a high degree of efficiency despite the constraints faced by a community where 65% of its property is tax exempt; and

WHEREAS, the Canton Court System could improve its efficiency by using a grant through the Justice Court Assistance Program that would upgrade a number of supplies and equipment; and

NOW THEREFORE BE IT RESOLVED, the Town of Canton authorizes the Canton Town Court to apply for a JCAP grant in the 2022-2023 grant cycle up to \$30,000.00.

10/12/2022
Date

Wendy Smith
Town Clerk