

**Town of Canton**  
**January 10, 2024**  
**Public Hearing/Regular Board Meeting**  
**In Person and Video conference**  
**Minutes**

**Present:**

Mary Ann Ashley	----	Supervisor
Randy Brown	----	Council Member
Bob Santamoor	----	Council Member
Jim Smith	----	Council Member
John Taillon	----	Council Member

**Also Present:** Town Clerk Heidi L. Smith, Deputy Town Clerk Tasha Streit, Code Enforcement Officer Michael McQuade, Highway Superintendent Steven Smith, Recreation Director Meghan Richardson, Attorney Eric Gustafson

**Public Attendance:** Tom Graser Watertown Daily Times, Paul Mitchell North Country This Week, Styles and Deb Bridges, Joel Howie, Rick Huber, Andrea Huber, Leslie Clark, Margaret Mauch, Anna Sorensen

**Zoom Attendance:** Solar Attorney Bill Buchan, Assessor Cindy Brand, Economic Developer Leigh Rodriguez, Toby Irvn, Stephen ?, Jonathan Geldard (EDF), Michael Irvensen, Monica Ryan

**Public Hearing:**

**NOTICE IS HEREBY GIVEN** by the Town Board of the Town of Canton, that pursuant to the provisions of Town Law of the State of New York, a public hearing will be held at 5:00 PM on the 10<sup>th</sup> day of January, 2024 at the Canton Town Hall, 60 Main Street, Canton New York to consider the adoption of a local law entitled LOCAL LAW AMENDING THE TOWN ZONING LAW AND OTHER LAND USE LAWS. This proposed Local Zoning Law would repeal and replace the existing Zoning Law and Zoning Map of Chapter 70 of the town of Canton Code; and repeal Local Law No. 3 of 2019 Solar Energy Facilities of the Town of Canton Code.

The Town Board determined that this local law would have no significant environmental impact pursuant to the New York State Environmental Quality Review Act.

Supervisor Mary Ann Ashley called the public hearing to order at 5:00 PM and opened it up for public comment.

**Joel Howie – 317/339 State Hwy 310, Canton**

Joel expressed his concern that after reviewing the proposed local law, under the chart for permitted uses “A” zone cideries are not allowed. Further down in the explanation of the law it does read that it is allowed with stipulations. Joel wants to make sure that things are clear because when he applies for his cidery license the State of New York is going to view this and if

they see in the chart that it's not allowed in that zone, they may not approve the license. Joel would like to see everything clear and precise in the law.

Deb Bridges – 6232 CR 27 24A, Canton – Owner 1734 St Hwy 68, Property of Bridges Kennels

Deb thanked the members of the board for trying to mitigate our situation with the transition of our kennel business and No Dogs Left Behind. Although it seems now it was somewhat disingenuous and fruitless, the effort to try and settle the situation is appreciated.

Deb added “as far as the zoning laws still in this version of the zoning law there are additional requirements for kennels and animal shelters that are extraordinary when they're compared to other businesses that are identified in the zoning laws and other requirements. The requirements are vague, undefined, and unenforceable. This would put our business of any kennel and any shelter business in this town at risk. The terminology is a nuisance. Who's definition of a nuisance? What is there a measurable as in other areas? A measurable noise limits? Decimal noise readers? Ways of documentation of proof? As it is based on unsupported complaints filed against a business, the authorization to even exist. Those complaints can be used to state that it's not being operated without creating a nuisance.

Deb asked if it was another kind of business with limited hours based on equipment noise and it could only operate within certain hours during the day. Would the Town accept noise complaints against that very equipment during business hours? How a kennel is being treated, which is a business, is not consistent and is at risk. The zoning laws open the business up for unfortunate situations.

Deb's request is that the section were additional requirements that applies to kennels and animal shelters be reviewed and be updated to include measurable enforceable items to provide protection against the whim of a very few neighbors.

Margaret Mauch – Janes Rd, Canton

“Comments pertaining to animal shelters. There is presently no request to operate an animal shelter in the Town of Canton with a shelter being non-permitted land use in the current code. The next step would have been to request a land use variance. The previous applications have been withdrawn and replaced with the grandfathered land use of a kennel at proposed location, 1734 St Hwy 68. This apparently satisfies all parties involved. Since being an animal shelter is no longer an issue it should have been withdrawn from the code. On December 15, 2025, the NYS Shelter Law Chapter 683 governing and defining shelters will be in effect and may supersede some of the proposed animal shelter conditions. The work has already been done. The Town of Canton does not need to include in the code a land use that is no longer requested or even pertinent at this time. Should the Town Board decide to leave animal shelter definitions and conditions in the new Town Zoning Code, it is important that an animal shelter require a Special use permit and review.

On one level I agree with Deb on understanding what the code definition about things that are in the definition of kennel and different questions about the condition and definitions in the proposed conditions in the new code. What is meant by outdoor pasture? Does this have to do with enclosing the escape of animals. Is this intended to mean the entire perimeter of the

property shall be enclosed. Clarification is needed. I have documented these concerns and presented them before.

I also appreciate the change to have sat together with Debbie and Styles and I thought after the meeting we all felt good about it.

Styles Bridges – 6327 CR 27, 24A, Canton – Owner 1734 St Hwy 68, Property of Bridges Kennels

“We are in the process of selling Maple Ridge Kennels. What happened in the process of selling we have had no less than 30 complaints, and it has basically come from two or three people. We have several people in the neighborhood. When we have our trial, they will all be coming to the trial and testify that they have no problems. What bothers me is we have been there almost 50 years, 50 years. Because of a couple complainers they are able to shut down a business. I don’t understand it.”

Supervisor Ashley entered into the record a written comment received on January 4<sup>th</sup> from Steven Smith Highway Superintendent. “I would like to express my concerns with a couple of things in the new on page 113 number 3. I’m concerned with the language of our complete streets. It states that under the Town Complete Streets Code. I wasn’t aware that there is a Complete Streets Code and I feel that this is dangerous to have it listed as such. Second concern is that the Superintendent, there’s language in there that the Superintendent had 30 calendar days to make a recommendation to the Planning Board. This could be difficult during the winter months given that the ditches could be full of snow and ice and nearly impossible to physically see the lay of the land.”

A motion was made by Council Member Bob Santamoor and seconded by Council Member Randy Brown to close the public hearing at 5:17 p.m.  
All in favor. Motion carried.

**A. Call Meeting to Order/Welcome**

Supervisor Ashley called the regular board meeting to order at 5:18 PM. Supervisor Ashley added to the agenda under new business **#7 Purchase of a New 2024/25 Western Star 47X Cab and Chassis Truck.**

**B. Approval of Minutes**

A motion was made by Council Member Randy Brown and seconded by Council Member Bob Santamoor to approve the Regular Meeting-12/13/23; Year End Meeting-12/28/23; and Organizational Meeting-1/4/24 minutes.  
All in favor. Motion carried.

**C. Correspondence**

**#1. St. Lawrence County Chargebacks** – these are additional taxes that are on taxpayer’s bills for county services; election, real property, workmen’s comp, and community college charges.

**#2. North Country Savings Bank** – Annual Summary of the CDs for the library.

**#3. NYSDEC National Flood Insurance Program** – Supervisor Ashley and Code Officer McQuade will look at it and will bring back recommendations if the Town wants to be part of it.

**#4. US Environmental Protection Agency - Food Waste Webinar** Wednesday, January 17<sup>th</sup> from 3:00-4:00 p.m.

#### **D. Town Finances Report**

Supervisor Ashley tabled the Town finances report until February.

#### **E. Audit Committee**

“A” General	----	\$22,131.35
“B” Town Outside	----	\$2,354.54
“DA” Townwide Highway	----	\$61,026.35
“DB” Town Highway	----	\$3,100.00
“SF” Special Fire	----	\$4,588.83
“SL” Special Lighting	----	\$301.41
“T&A” Trust & Agency	----	\$0.00

A motion was made by Council Member Bob Santamoor and seconded by Supervisor Mary Ann Ashley to approve January expenditures.  
All in favor. Motion carried.

#### **F. Acceptance of Department Reports**

##### **Town Clerk**

Clerk Smith reported for the month of December the Town Clerk’s Office took in \$68,723.00. Local shares remitted was \$66,673.60 and non-local remitted was \$3,100.67 zeroing out the Town Clerk account.

Smith reported that in 2023 the Clerk’s had roughly fifty FOIL requests come in.

Smith reported that the Communications Technology committee continues to work on the sitemap plan for the new website. Smith has a meeting with Revize on the 15<sup>th</sup> and the next committee meeting is on the 25<sup>th</sup>.

##### **Economic Development**

Economic Developer Rodreguiz reported that they received an extension on the New York Main Street Grant through December 2024. The NYPA Environmental Review for our Northern Regional Commissions Grant for the secondary water source for the Village is underway. They will be starting a NYPA Environmental Review for the Midtown Plaza project. Three more applications were received for the Canton Care Small Business Grant Program. Still waiting to hear from the NY Forward Grant.

Leigh also reported on the Miner Street Project. Three reimbursement requests have been submitted but is still waiting to hear back. There was a kickoff meeting with Barton and

Loguidice on the Stiles Ave Sand Salt Storage project.

#### **Assessor**

Assessor Brand reported the State has increased the income for the enhanced seniors from \$93,200 to \$98,700 an increase of \$5,500. The State has also been mailing out exemption forms for those basic recipients who are turning 65 this year.

#### **Recreation**

Recreation Director Richardson reported there was an error on the November report. It should have been \$3,059 not \$7,930 under school revenue. Richardson also reported that she received a grant for approximately \$4,500 from the St. Lawrence County Youth Bureau. That grant will go towards the upgrades to the ball fields at Bend in the River.

#### **Highway**

Highway Superintendent Smith reported that they have been busy patching potholes and maintaining gravel roads. New lighting was purchased through an energy efficiency program. Smith also thanked the board for approving the dash cams for the plow trucks. There was a serious accusation on a driver and after reviewing the footage it deescalated the situation.

#### **Code Enforcement**

Code Officer McQuade reported that the house on the corner of Jingleville and Miner Street has been completed and after a few months the single-family home on the Pollock Road is starting to take shape. McQuade also reported that another revision on the Rich Road Solar Project was received.

A motion was made by Council Member John Taillon and seconded by Council Member Bob Santamoor to accept department reports.

All in favor. Motion carried.

### **G. Committee Reports**

#### **Highway**

Jim Smith reported that the committee met this morning and the item that was discussed was the purchase of a new truck which is on the agenda.

#### **Economic Development**

Bob Santamoor reported that the committee met and determined the agenda for EDSC meeting. The LWRP grant will be discussed at that meeting. The committee also looked at advertising for the Chamber of Commerce.

#### **Building Committee**

John Taillon reported the committee met with the Town, Village, and Court Clerks to find out what storage space is need for records management. Mary Ann added that the committee is working with an engineering class through Clarkson on the new building design. More will be discussed at the Joint Town/Village meeting.

## **H. Old Business**

None

## **I. New Business**

### **1. Association of Towns Annual Meeting Resolutions**

Supervisor Ashley stated there are eleven resolutions from AOT. There was not enough time to review the resolutions. This item will be put on the February agenda.

### **2. AOT Annual Meeting Delegate Appointment**

A motion was made by Supervisor Mary Ann Ashley and seconded by Council Member Bob Santamoor to appoint Town Clerk Heidi L. Smith as the delegate at the AOT Annual Meeting.

All in favor. Motion carried.

### **3. St. Lawrence County Hold Harmless Service for 2024**

A motion was made by Council Member Jim Smith and seconded by Council Member John Taillon to pass the St. Lawrence County Hold Harmless Resolution.

All in favor. Motion carried.

*See attached resolution.*

### **4. Canton Central Tax Collection Agreement Addendum**

A motion was made by Council Member Bob Santamoor and seconded by Council Member Randy Brown to enter into a one-year agreement with Canton Central School for tax collection.

All in favor. Motion carried.

*See attached resolution.*

### **5. Request Additional Solar Intervenor Funds**

Supervisor Ashley reported that intervenor funds were received from the EDF Solar Project in the amount of \$240,000. The Town and Village were approved for \$180,000. \$90,000 for the Town and \$90,000 for the Village. The Town's \$90,000 is earmarked for attorney & engineering fees.

Solar Attorney Bill Buchan stated that he had a conversation with the chief ALJ at ORES. They expressed there is some flexibility in how those funds are allocated between the Village and Town. Bill believes there is additional funding still available that hasn't been allocated.

Bill stated that once the completed application "draft permit" is published by ORES the Town has 60 days to draft a statement of Municipal Compliance to determine whether or not what they have proposed to permit but be allowed under our existing statutes. That is a fair amount of work to be done. That would be required from the Town but not the Village. The Village is currently working on studying issues associated with responding

to battery storage fires and hazards associated with those. Bill anticipates that it will be a lot of work in that area.

Bill added recently announced that a study preliminary results from a study by NYS in this issue will be coming out. Bill believes it will be in the best interest to fashion our response around what the state has determined and announced.

Our program is to build the best possible record for ORES to make its decision and there may be opportunities along the way to address some discrete issues through a process they call an adjudicatory hearing. Which is a chance for the Town or Village to present issues that are set forth in the draft permit and have the ALJ make decisions based upon that process.

From the standpoint of seeking funds. Bill thinks there is a need in the future. How long the process will go on and how much work is going to be involved. It is difficult to say but Bill would support a request for additional funds. Either now or in the future. The Chief ALJ did state they were very fluid with the funds, in the sense that if the town took the laboring on a particular issue and put a lot of time and expenses into it, they would reallocate funds. That speaks to flexibility and part of the agency. Bill stated it is a good idea and supports asking for additional funds.

Attorney Gustafson agrees with Bill.

Supervisor Ashley added that she does not like the structure of payment. The bills are received, and the Town is instructed not to pay those bills. The Town is instructed to submit a quarterly report, and then reimbursement would be received in two weeks. Ashley hasn't seen anything since October and vendor bills have not been paid. Ashley followed up with no response. This is concerning. The work has been done and the vendors should get paid. This should be a timely process. Once the reimbursement has been received it will go through the Town books and the vendors will be paid.

Bill added the reallocation was if the village whose scope of participation is significantly less complex than the towns, they would move funds between the two agencies which they are flexible about. As far as additional funds go, Bill believes they are there and available to the parties involved to request those funds as needed. Putting a request on the record based on the issues in front of us and that work that is necessary and the team we have in place, those funds are necessary. One thing that will come out of battery storage discussion is whether or not we should engage our engineers to look at some of the issues associated with things like water supply, adequacy of storage facilities if they put that into the permit, environmental mitigation. Those issues will have to be tailored to NYS determinations.

Bill stated, for the record, we as a community have a much different view of the risks associated with battery storage than what is apparent in the reporting on the State's position.



Council Member Santamoor asked if the when the study was done by NYS, the study was not done with St. Lawrence County in mind, but the study was done as a generic study to see what would happen without really including any of the players.

Bill responded that no input was added from our communities. Bill's understanding is the study was triggered by the Chaumont fire. These are expert State agencies that have been assembled to analyze the risks. The governor has already announced in public that they are safe. We do not know what the study says or what details are in it. Bill would like our expert technical folks looking at industrial hygienists, people that understand exposure issues, fire departments and first responders and what kinds of physical preparation is available. We have to understand the State's position before we can advocate.

A motion made by Supervisor Mary Ann Ashley and seconded by Council Member Bob Santamoor to have Bill Buchan put in for additional solar intervenor funds.  
All in favor. Motion carried.

**6. Town of Russell Highway Agreement**

A motion was made by Council Member Jim Smith and seconded by Council Member Bob Santamoor to approve the Town of Russell Highway agreement.  
All in favor. Motion carried.

**7. Purchase New Western Star Model 47X 24/25 Truck**

A motion was made by Council Member Jim Smith and seconded by Council Member John Taillon for the purchase of a new 2024/25 Western Star Model 47X Cab and Chassis truck in the amount of \$157,500.  
All in favor. Motion carried.

**J. Public Comment**

Leslie Clark – Meade Rd, Canton

Leslie reminded the board that it has been difficult to understand the concerns about Deb and Styles. It's difficult to understand how some neighbors are not bothered, and others are by the dogs barking. In the summer a physics professor came in and used science. It was determined that it is physics and geography of why some hear the noise and others don't. Dr. Watson suggested that an acoustic engineer could be a resource to the business to assist with managing the noise of barking dogs. Leslie also thanked Council Member Randy Brown, the Bridge's and others to sit and share concerns.

Margaret Mauch – Janes Rd, Canton

Margaret stated that on December 28<sup>th</sup> there was notice that the Canton Rescue Squad was at 1734 SH 68-Female mauled by dog. Margaret has concerns is that is the second dog bite at that facility. The first dog bite was a Spectrum Worker. When the petition was presented with land use concerns, one of the things that came up was the issue of dangerous dogs and the notification of emergency personnel going to facilities and being made aware of dangerous dogs on the premises. Several County Planning Board Members were also concerned about the dogs on the premises. If the person that was involved doesn't want to pursue the bite, the state law allows from a police officer or the



dog control officer to bring that forward as a concern to a judge. The judge determines whether that dog is justified for biting. It does suggest the dog be evaluated by an expert dog handler. For the protection for emergency personnel Margaret would like to see this considered. Margaret also stated that after looking at the history with NDLB there was no reference in the Code Officer report of anything happening. Margaret stated that maybe in the future that can be documented.

**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 Supervisor Mary Ann Ashley and seconded by Council Member Bob Santamoor to go into executive session for the purposes of [D] discussions regarding litigations and [F] matters pertaining to the employment history of a particular person.  
All in favor. Motion carried.

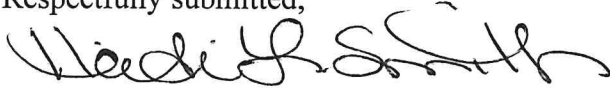
A motion was made by Council Member Bob Santamoor and seconded by Council Member Jim Smith to come out of executive session at 7:29 p.m.  
All in favor. Motion carried.

Action taken out of executive session.

A motion was made by Council Member Bob Santamoor and seconded by Council Member Jim Smith to set a Public Hearing on Solar Zoning Law February 14, 2024, at 5:00 p.m. Board meeting to immediately follow.  
All in favor. Motion carried.

A motion was made by Supervisor Mary Ann Ashley and seconded by Council Member Bob Santamoor to adjourn the regular meeting at 7:33 p.m.  
All in favor. Motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heidi L. Smith", written in a cursive style.

Heidi L. Smith  
Town Clerk

