

Village of Canton, New York

VILLAGE BOARD MEETING

Meeting Minutes: October 16, 2017

Board Present:

Michael Dalton, Mayor
Sean O'Brien, Trustee
Klaus Proemm, Trustee

Carol Pynchon, Trustee
Beth Larrabee, Trustee

Others Present:

Gerald Ducharme, Village Attorney
Caitlin Boreyko, Rec. Director
Brien Hallahan, Superintendent
Linda Casserly, Historian

Sally Noble, Clerk/Treasurer
Leigh Rodriguez, Village Econ. Dev.
Cara Adams, Deputy Clerk
James Santimaw, Police Chief

PUBLIC HEARING: The Mayor opened the Public Hearing at 6:00pm.

Mayor Dalton read the following statement:

“This is the third in a series of public hearings to consider changes to the existing Rental Housing Law, Chapter 248 or the Village of Canton Code.

The purpose of this law is to establish registration, permitting, inspection, and self-inspection for residential rental properties in the Village of Canton, together with rules governing the occupancy and use of such properties. These procedures and rules are intended to help maintain property values, and protect and advance the health, safety, and welfare of Village residents by improving communication between landlords and the Village, and promoting safe and suitable housing throughout the Village, occupied and maintained in harmony with neighboring properties.

The Village Board is carefully considering this proposal and is being deliberate in that consideration. Please understand that the board must balance all parties needs as it decides how best to move forward.

I remind you that this is a public hearing. We are not here to debate, but to listen to your comments both for and against. The latest version of the law has been published and we would like to believe that each person commenting has read the law in its current form.

If anyone wants to make a comment please stand when recognized, state your name and address and limit your statement to 2 minutes. If we have time, we will come back around.

The Board at the conclusion of this hearing will have 62 days to act on this law. Guidance on this and all other legal matters will come from the Village Board's legal counsel.”

Mayor Dalton opened the floor for comment.

Adams Todd, 37 Farmer St.

- Spoke against the proposed law. Proposed law violates Village Law 7-702 and discussed cases that ruled in favor of uniformity. If the law is passed, it will be challenged in court.

Dennis Kemison, Massena, NY

- Does not understand what the Board is trying to accomplish with what is already in place.

John McCloskey, Richville

- Spoke against the proposed law.
- Has an issue with the self-certification. He is a contractor but does not feel comfortable certifying that the rental meets New York State building code.
- Wants clarification regarding if the house has to meet current code or the code when the house was built.
- He is not sure if he can verify occupancy compliance.
- Concerned about the notary requirement.

Linda Fay, 30 Clark St.

- Confirmed that the registration is complete one time and that the permit is renewed every three years.
- Shared John McCloskey's concern regarding the self-certification form. She suggested that the form states "to the best of my knowledge" or "to the best of my ability".

David Labelle, Helena, NY

- Wants to know what is triggering this law?

Mayor Dalton stated that it changes the current law to be able to do the inspections. Attorney Ducharme stated that the inspections are based on the consent of the owner/occupant.

Tom Jenison, 46 Goodrich St.

- Asked Attorney Ducharme if the current law included duplex's? Attorney Ducharme read Article 248.
- Agreed with John McCloskey regarding the self-certification form; signing that you are in compliance of the uniform code.
- Suggested removing the notarization and adding "to the best of my ability".
- He is in agreement of the registration of health and safety.
- Suggested to model the law after the Village of Potsdam's law.

Antoinette Scharf, 70 Buck St.

- Had a question about the coordination of the inspection with the property owner and tenant.

Mayor Dalton stated that a letter will be sent to set up the inspection.

David Bradman, CO RT 32

- Believes that some of the rental properties are grandfathered, so that the occupants do not need to comply with the current zoning.
- He does not see the need to add more, if it is a safety concern then it should apply to all houses not just rentals.

Diane Exoo, Owns four houses on State St.

- Spoke against the proposed law.
- Suggested registering all residences (Village of Potsdam).
- Stated that the proposed rental registration ordinance violates New York State Village Law section 7-702. She gave an example of "*Tupper v. City of Syracuse*" that ruled in favor of uniformity of application of the law.
- Expressed her concerns about the self-certification form:
 - Concerned about requirement of the floor plan. Stating that is unsafe since it is public record, the occupant could be at risk of a burglar, sex offender, etc.
 - Concerned about the perjury language. DA could prosecute for felony perjury not just a misdemeanor.
 - She discussed the following questions regarding the self-certification form.
 - "a foundation be free of holes, cracks, and capable of supporting imposed loads". She suggested to revise saying it is capable of supporting imposed loads.
 - "free of loose overhanging objects", not sure what that means.
 - Protective coating, asked what about new decks, that need to sit for a year before painting?
 - Suggested the language "best of my knowledge".
 - Concerns about displaying the Rental Permit. She cannot guarantee the tenant will not take it down and wants the tenant to feel at home.
 - Asked about the 4th Amendment right of tenants to be free from searches?
 - Stated that administrative warrant relies on a lower standard than a criminal warrant.
 - Concerned that the search will reveal too much personal information about the tenant. Privacy of the tenants' rights.
 - Concerned for the foreign professors and students. Suggested language that would prohibit sharing information with ICE.

- Asked about the working in Section 248-8 to require mandatory inspection every three years. Suggested clarification that the inspections are by consent.
- Suggested enforcing the laws currently in the code.
 - Regulate 121-3- Unsafe Building Code

Ms. Exoo submitted her comments in writing to the Board. A copy of the comments are on file in the Village Clerk's Office.

Linda Fay, 30 Clark St.

- Shared the same concerns regarding the self-certification form. She suggested that the form states "to the best of my knowledge" or "to the best of my ability". She stated that the current wording is intimidation.

Mayor Dalton invited additional comments to be sent to him in writing

Public Hearing was closed at 6:43pm.

ORDER OF BUSINESS: The Mayor opened the regular meeting at 6:47pm.

- a. **Appointment of Klaus Proemm to Dwight Stevenson's Vacant Seat-** Clerk Noble swore in Klaus Proemm to fill the vacant Trustee seat.
- b. **Approve minutes of September 13 and 25, 2017-** Trustee O'Brien made a motion to approve the minutes of September 13 and 25, 2017; seconded by Trustee Larrabee. All voted in favor. Motion carries

ACCEPTANCE OF DEPARTMENT HEAD REPORTS:

Trustee Pynchon made a motion to accept the Department Head Reports; seconded by Trustee Larrabee. All voted in favor. Motion carries.

Chief Santimaw wanted to add that Officer Fries is in Phase 2 of training in Watertown and the Police Protected Grant money has been approved for \$10,000.

Recreation Director Boryeko highlighted that the rink is open for Public Skating. The changes are that 12 and under must wear helmets and have adult supervision.

Economic Developer Rodriguez stated that the intent to apply has been submitted for the Restore New York Grant. The full application is due in December.

Clerk Noble informed that Board that the new utility program is going well and she is currently working on e-mailing bills.

NEW BUSINESS:

Mayor Dalton moved the following from New Business.

- c. **Review of Preliminary Engineering Report for Water System Improvements-** Mayor Dalton stated that they received the Preliminary Engineering Report for Water

System Improvements from Tisdal Associates. The Engineering Report is needed to apply for funding with USDA. The Engineering Report includes six projects.

1. Production Well (New Water Source)
2. Extend from Lincoln to Tallman
3. Upland Source Transmission Main
4. Riverside Drive to Sullivan Water Main Loop
5. Judson Street Water Tank
6. Water Meter Replacement

Federal Government has not come up with the funding but the applications have to be in. The total cost for the project is \$9.7 million.

Aaron Jarvis from Tisdal Associates discussed the Preliminary Engineering Report. He stated that USDA requires the report.

Trustee O'Brien asked Mr. Jarvis about the different tank options.

Mr. Jarvis stated that the tank on Judson Street has not been painted since the early 1970's. The options that are outlined in the Preliminary Engineering Report are:

1. Build a new tank.
2. Elevate tank.
3. Refurbish existing tank.

Mr. Jarvis suggested refurbishing the existing tank.

d. Approve Agreement for Professional Services for Water System Improvements- Trustee Pynchon made a motion to approve the Agreement for Professional Services for Water System Improvements. Seconded by Trustee Proemm. All votes in favor. Motion carries.

Trustee Pynchon made a motion to approve a Resolution authorizing the engineering report being submitted to USDA. Seconded by Trustee Larrabee. All voted in favor. Motion carries.

COMMITTEE REPORTS:

Website Committee- Trustee O'Brien stated that they are looking at setting up time for staff training on the new website in the coming weeks.

COMMUNICATIONS AND INFORMATION:

Mayor Dalton stated that he received communication about a new state law on abandoned property. He will send it to the Board to review.

PUBLIC COMMENT:

Toby Irving suggested having Department and Committee Reports published on the website.

Linda Casserly suggested to have a copy of the agenda, minutes and reports available at the meeting.

Tom Jenison asked if the Planning Board minutes are posted. Trustee Pynchon stated that they will be posted on the new website.

Tom Jenison asked the Mayor about the open Code Officer position.

Mayor Dalton stated that it is a Town position. They are currently looking at the options until it is filled and the test has been given.

Tim Danehy suggested having a QR code available for people to scan on their phones and the agenda/minutes/reports would come up on the phone.

He suggested to carefully look at the Code Officer position.

OLD BUSINESS:

- a. **Rental Registration-** Trustee Larrabee suggested to table the Rental Registration proposed law to give time for Trustee Proemm to review and to be respectful of the people that attended.
- b. **Ethics Code-** Trustee O'Brien proposed a resolution to appoint James Norminton, Mike Crowe and Claudia McDonald to the Ethics Committee to improve and clarify, oversee ethics consideration and to reconstitute Board of Ethics. Trustee Pynchon seconded the motion. All voted in favor. Motion carries.
- c. **Comprehensive Plan Update-** Trustee Pynchon informed the Board the Public Meeting will be held on November 16, 2017 from 6:30pm-8:30pm at Boces to receive public input.
- d. **SOLAR Update-** Mayor Dalton stated that Tesla has sent in the revised design for the utility, by the end of November they should have finalized permits. Construction will start in June 2018.
- e. **30 Riverside Drive/MR Bell's-** Mayor Dalton stated that the Asbestos report has been circulated. They are waiting for the third estimate to come back. Will discuss at a later date.

NEW BUSINESS:

- a. **Authorize payment of vouchers & transfer of funds –** Trustee Pynchon made a motion to authorize payment of vouchers & transfer of funds for abstract #5 of 2017-2018. Trustee Larrabee seconded the motion. All voted in favor. Motion carries.

General Fund	\$183,011.73	Golf Course	\$21,806.92
Water Fund	\$47,355.98	Joint Activity	\$663.92
Sewer Fund	\$26,065.44		

- b. **Discuss Parking Fines-** Public Hearing is set for November 20, 2017 at 6:20pm to discuss the increase to \$25.00 for all parking fines.

Village of Canton Board Meeting 10/16/2017 7

- e. **GRH and Further Development of Canton Island Park-** Mayor Dalton was approached by Grasse River Heritage for ideas to enhance the Canton Island Park. Trustee Pynchon volunteered to work with the Grasse River Heritage board.
- f. **Planning Board Appointment for balance of Klaus Proemm's Term-** Tabled
- g. **Approve Sending to Auction Surplus DPW Equipment-** Trustee Proemm made a motion to send the chipper truck, recreation trailer and Dodge pick-up to auction on October 22, 2017. Trustee O'Brien seconded the motion. All in favor. Motion carries.
- h. **Approve Fire Department Member's Jordan Favro, Valerie Clark and Bobbi Snyder-** Trustee O'Brien made a motion to approve new Fire Department members Jordan Favro, Valerie Clark and Bobbi Snyder. Trustee Larrabee seconded the motion. All voted in favor. The motion carries.
- i. **Unpaid Property Taxes to SLC-** Trustee Pynchon made a motion to approve sending the unpaid Property Taxes in the amount of \$75,454.82 to St. Lawrence County for collection. Trustee Proemm seconded the motion. All voted in favor. Motion carries.
- j. **Complete Streets Committee-** Trustee Proemm made a motion to appoint Brian Gardam

AFFIDAVIT OF COLLECTOR

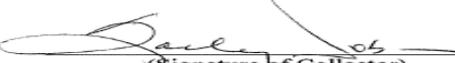
STATE OF NEW YORK } Sally Noble 60 Main St. Canton, NY 13617
COUNTY OF ST. LAWRENCE } (Name of Collector) (Address)

deposes and says that the foregoing list of unpaid taxes, which totals \$ 70,518.54, plus unpaid 2nd notices fees of \$ 0.00, plus unpaid returned check fees of \$ 0.00, plus interest (see balancing affidavit) of \$ 4,936.28, for a Grand Total of \$ 75,454.82, is for property all in Canton (Village), that none of the taxes listed have been paid, nor any part thereof; that diligent effort has been made to collect the same; that the foregoing is a true and correct copy of all the 2017 - 2018 unpaid Village taxes in the said Village.

Subscribed and sworn to before me this 16th day of October, 2017.



(Signature of Notary Public)
CARA ADAMS
Notary Public, State of New York
No. 01AD6332642
Qualified in St. Lawrence County
Commission Expires November 2, 2019



(Signature of Collector)

CERTIFICATE OF TRUSTEES

We, the undersigned trustees of Canton (Village) pursuant to the Real Property Tax Law, do hereby certify that we have compared the foregoing list of unpaid Village taxes with the original Village tax roll and find it to be correct. The total due the district including interest & fees is \$ 75,454.82.

Dated this 16th day of October, 2017.











and John Ignatowski to the Complete Streets Committee. Trustee Larrabee seconded the motion. All in favor. Motion carries.

PUBLIC COMMENT:

None

Executive Session -Trustee O'Brien made a motion to enter into executive session at 7:40 PM for a purpose as identified in Public Officers Law §105(1) (e. negotiations). Trustee Larrabee seconded the motion. All in favor. The motion carries.

Trustee Proemm made a motion to come out of executive session at 8:30 PM. The motion was seconded by Trustee Pynchon. All voted in favor. The motion carries.

Trustee O'Brien made a motion to adjourn the meeting at 8:35PM. Trustee Larrabee seconded the motion. Everyone voted in favor. The motion carries.

Respectfully submitted,

Cara Adams
Deputy Clerk