

## MINUTES

A Special meeting of the Canton Village Board of Trustees was held on January 31, 2011, in the Municipal Building.

**PRESENT:** Mayor C. Ramsay                      Trustee S. Kingston  
                  Trustee J. Frank                      Trustee J. Coburn  
                  Trustee M. Ashley                      Supt. B. Hallahan  
                  Attorney G. Ducharme                      Clerk/Treasurer S. Noble  
                  Deputy Clerk G. Vesper

### 1. C-1 Zoning Changes

**a. Discuss and take action on the written negative declaration regarding the environmental review of the proposed Zoning Law use change** – Mayor Ramsay asked if there were any questions on the filled out negative declaration that came out of the meeting on January 18<sup>th</sup>.

Trustee Frank had a question on page 13 of 21, should something there have been checked? Attorney Ducharme explained the reason he didn't check that was the discussion on the 18<sup>th</sup> was the special exception standard speaks to compliance with the petroleum bulk storage code which governs storage of petroleum of 1100 gallons or greater. So he doesn't believe the Board identified any change needed to be made to the proposal before us.

Mayor Ramsay thanked the Village Attorney for his work and effort that he put into this negative declaration.

Trustee Frank made a motion to adopt this written negative declaration, seconded by Trustee Kingston. All in favor. Carries

**b. Discuss and possibly take action on a Local Law Zoning : Fuel Dispensing in the C-1 Zone** – Trustee Frank made a motion to amend our zoning law to permit fuel dispensing in a C-1 zone in conjunction with a convenience store/grocery store contingent upon passing the special exception standards and definitions, seconded by Trustee Coburn.

Mayor Ramsay asked if any of the Board members wish to state their own line of reasoning and why they are voting the way they are.

Trustee Coburn appreciates the feedback coming front and center whether it's through the public hearing process or from individuals, hearing all the different opinions.

Trustee Frank appreciates all the comments that were made at the hearings we had. He has been approached by numerous people and quite honestly the majority of those that have approached him have been in favor of the project. That is why he is voting in favor of it.

Trustee Kingston thanked the Planning Board for all the hard work they put into this over the past year. She also agrees with Trustees Coburn and Frank. She has heard negative and positive and more positive than negative. It's needed to build up downtown again. She was worried about traffic, but everything that the Village Attorney has put down in front of us has pretty much addressed most of the problems brought up. She doesn't think that any one of them on this Board or the last Board has taken this lightly at all. It has just been something we had to do. She is going to vote in favor because she wants to see that lot developed.

Trustee Ashley also thanked everyone involved and the numerous hours that went into it. She feels there is a close split in the community on this. What keeps pulling her back on this is the integrity of the process. Our Code Enforcement Officer denied the application. The Zoning Board of Appeals upheld that. The Planning Board voted against it. Now it is back here and she just feels she has to support the integrity of the process and the decisions of those bodies. She

appreciates the time the Valentines took with her and their persistence and she will support the majority of the vote, but she will be voting “no to changing the code”.

Mayor Ramsay feels she is going to be echoing a lot of what has already been said. She very much appreciates all the effort the Boards and the public have put into this and all the thoughtful comments. She agrees with Trustee Ashley, the community is split on this. She sees this development as being both inconsistent and consistent with our Planning Document. For her the preponderance of the positive outcomes she sees coming from this lead her to vote in favor of this change. She does see it as a chance to revitalize downtown to increase our tax base, to have more retail in C-1 district, to bring college students downtown, to give those who live downtown a place to go and get a loaf of bread or quart of milk. We have wanted a grocery store downtown for many, many years. This is the answer and it will bring people downtown.

She feels in terms of the esthetics which is a real concern, that because of site plan review and the historic district standards that this project will be compatible with the architecture of downtown. She has total confidence in our Planning Board that they will be very careful in making sure the special exception standards are met and the esthetic lighting, architectural, concerns and traffic concerns will be dealt with effectively. She will be voting in favor of the change.

Vote Carries 4 to 1 Trustee Ashley voted No. (see page \_\_\_\_\_)

**c. Discuss and possibly take action on a Local Law Zoning: Special Exception Standards** – Trustee Coburn made a motion to approve special exception standards, seconded by Trustee Frank. Vote Carries 4-1 Trustee Ashley voted No. (see page \_\_\_\_\_)

**d. Discuss and possibly take action on a Local Law Zoning : Definitions** – Trustee Coburn made a motion to approve the definitions, seconded by Trustee Frank. Vote Carries 4-1 Trustee Ashley voted No. (see page \_\_\_\_\_)

The next step is to go to the Village Planning Board and Site Plan Review.

Dick Grover asked if in the Planning Board process there was a place for public comment.

Mayor Ramsey told him that the public was welcome to come to the Planning Board meetings.

Mr. Grover suggested a major realignment of Miner Street to the Riverside Main intersection at the last meeting. His main hope for this whole process was that nothing would be done by the Village or Planning Board that would preclude that. The plans he saw today rub it right off. He feels an opportunity is knocking and it won't knock again. Putting that building there kills the project. He feels the first order of business is to ask the developers to look at their design and see if they can work with that.

Mayor Ramsay told him that first the Village Board would have to commit themselves to it. It would be quite an expensive project. She sent an e-mail around stating some preliminary figures were \$350,000 to \$450,000, but additional information has come to light today and she thinks it is going to be more like a million dollars so if it is the desire of this Board to explore any further she suggests we refer it to the Street Committee for their review. She personally doesn't see it, although she sees the advantages of realigning Miner Street, and she thinks everyone does, but a million dollars spent for this project doesn't seem a good use of Village resources that are limited. However, she believes in collective wisdom and if the desire of the Board is to pursue this further and gather more information on it, she suggests we refer it to the Street Committee.

Trustees Coburn and Ashley feel it warrants looking into further. Trustee Frank is not in favor. He feels it is just too expensive. Trustee Kingston wants to know where the money will come from. She suggested it go to the Street Committee and asked if Miner Street could become a “One way Street”?

Mayor Ramsay reminded the Board that the DOT suggested that. We could look at it again.

Klaus Proemm asked, “When the DOT does Main Street project, would that be an opportunity to get DOT involvement and if so, possibly other funding might come in for it.

Mayor Ramsey told him Steve Gagnon of the DOT told her during that reconstruction project if the Village was serious about realigning Miner Street and wanted to purchase H&R Block property through purchase or eminent domain that DOT would assist with the curbing, the laying of the water, sewer, storm drainage lines and setting up the traffic lights. DOT stays away from sites that were former gas stations because of contamination. So, they could provide some limited help.

Ed Valentine told the Board that the Main Street Mobil site was not big enough to accommodate their project. They are not trying to build a typical convenience store. They are building something twice as big as a Stewart's; it will have more groceries. When they first signed the deal they said they would need to get the adjacent property, Connie Barr's to make it large enough to get the set back to put a 5500 square foot building. The proposal to the board now takes Connie Barr's property for a road. That leaves us with only enough room for a mini mart. He doesn't want to make an investment to do that. He doesn't want to see their project dragged on for months and months again for the possibility of putting a road in several years from now. He is all for realigning Miners Street, but he thinks we need to look at other ways of doing it. It might be further down the road and it might involve other properties.

The Mayor told everyone that at this time she is referring it to the Street Committee.

## 2. Minutes

**a. Approve Minutes of Previous Meeting – December 20, 2010** – Trustee Ashley made a motion to approve the minutes of December 20, 2010 minutes, seconded by Trustee Kingston with change to page two first line word tract was misspelled. All in favor. Carries.

## 3. Communications and Information

**a. Website presentation and discussion** – Travis Smith, Website Designer for SUNY Canton College did a presentation on the new website that he has done for the Town and Village of Canton. After the presentation there were a few recommendations like making the sign in page a seasonal page, adding seasonal recreation activities.

Mayor Ramsay told the Board what they are struggling with now is how to keep it updated. Finding someone to do it and if we need to hire someone to come in a few hours a week.

Travis is doing some training sessions for some department heads so they will have the ability to go in and add or take off information.

**b. Tree Committee presentation** – Mayor Ramsay introduced Matilda Larson working with an Ad Hoc Group since fall of 2010 on restoring and strengthening Canton's tree canopy. Most recently she noticed a funding availability that came through New York State DEC to participate in an urban forestry project. In an attempt to help get some attention get things rolling in the Village the group has sought to pursue a tree planting project. It would encompass the areas from the Buck Street playground creating a green corridor on Lincoln Street and connecting to Bend in the River Park. It would be a three-year project. The request would be for \$15,000, 50% of which would be refunded by the DEC. So it would come down to \$7500 from the Village which would primarily go to the acquisition of shade and flowering trees and help from Public Works for planting. The application will be submitted to the DEC on February 10<sup>th</sup> and they are looking for the Villages support towards this project.

There is a resolution and the commitment would be a commitment of staff time. Matilda passed around a couple aerial views they put together for tentative tree planting projects.

**c. North Country Power Authority update** – Mayor Ramsay introduced Jim Monroe, Chair of the North Country Power Authority. Mr. Monroe told the Board that the North Country Power Authority was formed October 1<sup>st</sup> and signed into law by Governor Patterson. Since then

we have been trying to get sufficient Board members, we are going to eventually have nine, but we only have five now. We are working with five members and having our first meeting in this room tomorrow night. We are hoping to have the Power Authority taking over the system a year from now, spring of 2012. There is a lot to be done between now and then. One of these things is negotiating a settlement with Niagara Mohawk. With all the costs involved we still have to get bonding, which will probably run over \$70 million with environmental and legal fee etc. This authority takes in the areas of twenty-four communities including all the neighbors of Canton on all sides and up into Franklin County Fort Covington, Westville and Bombay. The objective of forming this was to bring down rates and improve the economy. We won't be able to drop prices right away except for some people. We are forced to stay at least at what National Grid is charging, that is the cap. We will be able to save for some on the supply portion of the bill.

Massena is doing a great job at saving their customers money. They have paid off their bonds and can now hand off their savings to the customer. We will get there some day, but for now all we can hope for is to stabilize you prices and for those with higher supply, lower that.

Mayor Ramsay explained why she stepped back from the North Country Power Authority Board.

#### **4. OLD BUSINESS**

**a. Resolution regarding property Tax Cap** – Trustee Ashley told the Mayor it was very well written. She didn't understand that there was an override option for the 2% tax cap. For schools there is a 60% approval go to the voters. Mayor Ramsay added she had heard talk of it, but didn't know it was in the law that was scheduled to pass to day. Trustee Ashley said it did pass. She spoke to our Senator and she indicated this also that local governments you need 2/3s of the vote to over ride the 2% cap.

The Mayor asked her if it changed how she looked at this. Trustee Ashley told her no, she thinks it's going to really hurt school programs as well as local government. She feels it should be local controlled. However, she wasn't aware of the option.

Trustee Frank thinks he remembers that we had a tax decrease in our budget last year. We did. He asked over the last five years, what's the average increase/decrease. Treasurer Noble told her she thinks only one year has it been over 2% normally it is right around 2%.

Trustee Frank said he was normally not in favor of these types of resolutions, because who knows what is going to happen. He is all in favor of keeping the tax rate as low as possible.

Trustee Kingston agrees with Trustee Frank. Trustee Frank told the Mayor that this resolution was different than the one we saw and talked about on January 18<sup>th</sup>.

Mayor Ramsay told him it was because the feed back at that time was the Board was not ready to endorse a blanket condemnation of unfunded mandates because they felt some State Mandates were worth while and good ones. The Board would be willing to look at a resolution that opposed a cap on property tax increases alone. The Board decided to take no action on this resolution.

**b. Discuss and take action on Golf Cart lease** – Supt. Hallahan explained to the Board that there will be 35 new carts and 18 with one year left on the old lease, with total number of carts being 53. It is a true lease and not a buy-back. He spoke with Judy Watson, who is the lease sales manager for Mid-State Carts. The municipal rate sometime differs from the common rate. She is going to honor the price of \$8635.55. The agreement will be forwarded to him in a true lease form. The first copy will go to Attorney Ducharme, Kevin will get a copy. Supt Hallahan is asking the Board to make a motion to sign the lease contingent on our Attorney's approval. Judy is so confident that she is putting them into production now. We might save a little bit, but she guarantees \$8635.55. We will have them by the first of April.

Trustee Coburn made a motion to go into a lease arrangement with a cost not to exceed \$8635.55 per month for 35 new carts plus 18 presently on lease that expires in 2012 provided the Village Attorney approves, seconded by Trustee Kingston. All in favor. Carries.

**c. Resolution in support of DEC grant application** – Trustee Frank made a motion to support the DEC grant application and advance the money and be reimbursed for half of it and supply the rest through in-kind labor, seconded by Trustee Coburn. All in favor. Carries.

**d. Discussion regarding Village Justice Court** – The Mayor distributed a copy of an article from the NYCOM Bulletin. This is where the idea of looking at abolishing the village Justice Court came from initially. The other sheet is a sheet Sally Noble, as Clerk/Treasurer prepared. It gives you an idea the past few years costs for the Justice Court Office. This year the cost of the Court Office will be taking a jump because the Town has filled a position for an assistant Justice Clerk, which has been empty for some time. Also an employee who was taking the insurance buy-out is now getting family health insurance. Predictions for finishing in the black this year are pretty slim.

So part is a financial issue, part is it doesn't make sense to have a Town Justice Court and a Village Justice Court, an unnecessary duplication of services, especially when it is all in the same court room and in the same building. The Village tax payers are paying twice for the same service. They pay for a Village Court services through their Village taxes and they pay again for Town Court through their Town taxes. Before she put in the necessary time she wants to make sure the Board was supportive of the idea and she would need to give the Town plenty of advanced notice so they can budget accordingly. If you abolish a Village Justice Court it has to be done at the end of a justice's term and that would be December 3, 2012. So, this is the time to be looking at it.

Trustee Frank asked what the Town's reaction to our getting out of the Justice system. The Mayor spoke with David and it may trigger a reexamination of other shared offices.

No action taken at this time.

**EXECUTIVE SESSION:** Upon a majority vote upon a motion that identifies the subject to be considered, the Board may conduct an executive session to discuss any of the issues identified proper by Public Officers Law 105(1). – Trustee Frank made a motion to go into executive session at 8:43 PM, seconded by Trustee Coburn. All in favor. Carries.

Trustee Coburn made a motion to come out of executive session at 9:33 PM, seconded by Trustee Kingston. All in favor. Carries.

Trustee Ashley made a motion to ratify the memorandum of agreement with the Police and Dispatchers, seconded by Trustee Coburn. All in favor. Carries.

Trustee Coburn made a motion to adjourn the meeting at 9:55 PM, seconded by Trustee Kingston. All in favor. Carries.

Respectfully submitted,

Grace E. Vesper  
Deputy Clerk