

Re-Organizational meeting for the Town Board of Constable was held on January 14, 2021 at 7:00 PM in the Town Office. Members present were Councilwoman Lemire, Councilmen Wilson, Leahy and Patterson, Supervisor Onufer, Town Clerk Prue, Highway Superintendent Martin and Code Officer Halley.

Guests present were Justice Wisnesky, Dalton Patterson Web/Tech and Nicole Shantie

A motion was made by Councilman Wilson, seconded by Councilwoman Lemire for the following appointments for the year 2021, motion carried.

Deputy Town Supervisor	Clyde Wilson
Deputy Town Clerk	None
Deputy Highway Superintendent	John Mallette
Code Enforcement Officer	Gordie Halley
Health Officer	Lori Tulip, RN
Chairman of Board of Assessors	James Snyder
Town Constable	Bernard Harte
Town Historian	Martha Gardner
Town Attorney	Matthew McArdle
Dog Control Officer	NCAS
Newspaper	Malone Telegram
Grievance Board	Timothy Leahy, Chairman
5 year term	Term expires 2024
	Wellington "Joe" Lewis
	Term expires 2022
	Bernard Martin
	Term Expires 2025
Registrar of Vital Statistics	Town Clerk
Records Management Officer	Town Clerk

A motion was made by Councilman Wilson, seconded by Councilwoman Lemire for the following Committee's for the year 2021, motion carried.

Recreation Park	All Board Members Councilwoman Lemire Chairman, Co-Chairman – No one at this time
Land Fill	All Board Members Councilman Wilson, Chairman
Building & General	All Board Members

Councilman Wilson, Chairman  
Supervisor Onufer, Co-Chairman

Highway

All Board Members  
Councilman Wilson, Chairman  
Councilman Patterson, Co-Chairman

Capital Improvement

Supervisor Onufer, Chairman  
Councilman Wilson, Co-Chairman  
Mike Shea, Harold Phillips, James  
Lester.

A motion was made by Councilman Patterson, seconded by Councilman Wilson for the following Financial Institutions for the year 2021, motion carried.

General & Highway Fund - Checking	Community National Bank
General & Highway Savings	NY Class Account
Trust & Agency - Checking	Community National Bank
Highway & General Fund Capital Imp -Savings	NY Class Account
Recreation Park Capital Improvement - Savings	NY Class Account
Capital Projects Improvement	NY Class Account
Capital Projects – Checking	Community National Bank

A motion was made by Councilman Wilson, seconded by Councilwoman Lemire allowing the Town Supervisor to pay Budget Bills, Malone Telegram, Utilities, Postage, Expense bills, Self-Insurance and “Association of Town’s”, a Publication received by all Town Board members and Highway Superintendent, and the Town’s credit card, motion carried.

A motion was made by Councilwoman Lemire, seconded by Councilman Patterson, regarding keeping the regular Town Board meeting night on the second Thursday of each month with the meetings starting at 7:00 P.M, motion carried.

A motion was made by Councilwoman Lemire seconded by Councilman Wilson, regarding allowing the Highway Superintendent to have funds of \$5,000.00 made available to him for emergency spending, motion carried.

A motion was made by Councilwoman Lemire, seconded by Councilman Patterson, for the mileage rate to be \$.48 per mile, with the starting point being the town hall and return to the town hall, motion carried.

A motion was made by Councilwoman Lemire, seconded by Councilman Wilson to accept the wages of elected town officials as stated in the 2021 budget, motion carried.

A motion was made by Councilwoman Lemire, seconded by Councilman Patterson to accept the wages of town highway department employees as stated in the union contract, motion carried.

On a motion by Councilwoman Lemire, seconded by Councilman Wilson for the “Guidelines for Town Officials & Employees”, Motion carried.

Room Fee - \$80.00 - \$120.00 per night  
Meal Allowance – Breakfast - \$8.00  
Lunch - \$10.00  
Dinner - \$20.00

On a motion by Councilwoman Lemire, seconded by Councilman Patterson, for Resolution #1-2021 regarding Supervisor Onufer and Deputy Supervisor/Councilman Wilson ability to sign checks for Community Bank, and authorize to withdraw and contribute to the NY Class Account, motion carried.

Motion to adjourn the Re-Organizational meeting was made by Councilman Patterson, seconded by Councilwoman Lemire, meeting was adjourned at 7:13 PM, motion carried.

Regular monthly meeting was called to order at 7:13 PM by Supervisor Onufer.

On a motion by Councilman Wilson, seconded by Councilman Patterson to accept the minutes from the 12/10/20 meeting, motion carried.

Councilman Patterson reviewed the General Ledgers for the month of December 2020 before meeting was called to order.

**Annual Audit Cashbooks and Ledgers for Town Justice, Town Clerk, Town Supervisor and Code Officer.**

Justice Wisnesky, Town Justice, presented her cashbook for all board members present to review. This was reviewed and signed by all board members present. A motion was made for Resolution #2-2021 by Councilwoman Lemire, seconded by Councilman Wilson to accept cashbook from Justice Wisnesky, motion carried.

Justice Wisnesky informed the board that as of 04/1/2021 the Scoff Law will be discontinued.

Town Clerk presented her cash receipt book for all board members present to review. Cash receipt books was reviewed and signed by all board members present. A motion was made by Councilman Wilson, seconded by Councilwoman Lemire to accept Town Clerks cash receipt book, motion carried.

Supervisor Onufer, presented the general ledgers for the General Fund and the Highway Fund for all board members present to review. General Ledgers were reviewed and signed by all board members present.

A motion was made by Councilwoman Lemire, seconded by Councilman Patterson to accept both ledgers, motion carried.

Code Officer Gordon Halley presented his checkbook and year-end report for all board members present to review. A motion was made by Councilman Patterson, seconded by Councilman Wilson to accept Code Officers check book and yearend report, motion carried.

### **TOWN CLERK**

Town clerk turned in \$202.00 for the month of December 2020. A motion was made by Councilwoman Lemire and seconded by Councilman Leahy to accept the Town Clerk's Report, motion carried.

### **Code Officer**

Gordie reported that he has had numerous questions regarding the Town's Fee Schedule for Solar Farms. A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to have a separate discussion regarding this. A discussion with all board and Code Officer Halley is scheduled for January 21, 2021 at 6:00 pm.

Solar Projects for OYA and Helios – nothing new to report.

Highway Superintendent Martin reported that the old landfill site needs to be seeded in order to get a closure on this landfill site.

Code Officer Halley gave a recap of the permits he issued for 2020.

A motion was made by Councilman Wilson and seconded by Councilman Leahy to accept the Code Officer's report for 12/08/2020 – 01/12/2021, motion carried.

### **WEB/TECH**

Dalton gave his report for December 2020.

A motion was made by Councilwoman Lemire and seconded by Councilman Leahy to accept Dalton's report, motion carried with Councilman Patterson abstaining from this vote.

### **LANDFILL**

Supervisor Onufer read a complaint from Nicole Shantie regarding the order being Noticed by residents from the area of the new landfill. Nicole also asked if there was any way that her mother's water can be tested. Supervisor to check with the landfill director to address these 2 issues.

## **OLD TOWN HALL**

Supervisor Onufer reported that on 12/14/2020 Mr. Brusio picked up the key to the old town hall and that on 12/23/2020 the propane was switched to Mr. Brusio's name.

## **Highway**

Highway Superintendent Martin gave his Fuel Usage report up to 12/27/2019.

Supervisor Onufer reported that \$114,484.88 was received for the NYS Snow and Ice Contract.

Supervisor Onufer reported that he has received a response from NYS DOT regarding the request for a speed limit change on State Route 30 in Constable. The request has been respectively been denied, but they have asked NYS Police to increase their patrol of this area.

Historic marker for Trout River is scheduled for Spring 2021.

Highway Superintendent Martin presented the Agreement for the Expenditure of Highway Moneys from Franklin County.

Agreement between the Town Superintendent of the Town of Constable, Franklin County, New York, and the undersigned members of the Town Board.

Pursuant to the provision of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. General Repairs. The sum of \$188,258.35 shall be set aside to be expended for primary work and general repairs upon 2.5 miles of town highways, including sluices, culverts, and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. Permanent Improvements. The following sums shall be set aside to be expended for the permanent improvement of Town Highways:
  - a) On the road commencing at Sand Rd. and leading to State Route 30 North, a distance of .8 miles, there shall be expended not over the sum of \$80,000.00.  
  
Type: Resurface, Width of Traveled Surface: 18' wide, Thickness: 1 ½", Sub base: asphalt.
  - (b) On the road commencing at McGraw Rd. and leading to the O'Connell Rd. a distance of .8 miles, there shall be expended not over the sum of \$80,000.00.

Type: Resurface, Width of Traveled Surface: 18' wide, Thickness: 1 ½", Sub base: asphalt.

On a motion by, Councilman Wilson, seconded by Councilman Leahy for budget amendment #09-2020 Highway Fund. Motion Carried

\$5,188.91 from DA 5142.1 Snow rem. Personal Serv.  
\$2,264.40 from DA 5142.1 Snow rem. Personal Serv.  
\$1,564.56 from DA 5142.1 Snow rem. Personal Serv.  
\$5,228.64 from DA 5148.1 Snow Removal-Other Govt. Personal Serv.  
\$ 35.96 from DA 5142.4 Snow Rem. Town Roads Cont. Exp.  
\$ 28.65 from DA 5142.4 Snow Rem. Town Roads Cont. Exp.  
\$ 169.48 from DA 5130.4 Mach. Cont. Exp.

\$5,188.91 to DA 5110.1 Gen Repair Pers. Serv.  
\$2,264.40 to DA 5140.1 Misc. Brush & Weeds Personal Serv.  
\$1,564.56 to DA 5130.1 Mach. Pers. Serv.  
\$5,228.64 to DA 5130.1 Mach. Pers. Serv.  
\$ 35.96 to DA 5130.2 Mach Major Veh. Equipment  
\$ 28.65 to DA 5130.4 Mach. Cont. Exp.  
\$ 169.48 to DA 5140.4 Misc. Brush – Cont. Exp.

Supervisor Onufer presented the Highway Dept. Fund Monthly Statement for December 2020 for all board members to review. A motion was made by Councilwoman Lemire and seconded by Councilman Leahy to accept the Highway Dept. Fund Monthly Statement, motion carried.

Highway Dept. bills were audited and approved #124 - #138.

### **Capital Improvement**

Supervisor Onufer reported that the Write Stuff has given him quotes for a bronze plaque to placed in the front hall. Postage is extra on all sizes.

Bronze \$350.00  
\$466.00 10x12  
\$1,689.00 18x24

Town Clerk to get pricing from Dustee's Printing for the plaque.

Supervisor Onufer presented the Capital Projects Fund Monthly Statement for December 2020 for all board members to review. A motion was made by Councilwoman Lemire and seconded by Councilman Leahy to accept the Capital Projects Fund Monthly Statement, motion carried.

Capital Projects bills were audited and approved. #81

## **Town Justice**

Supervisor Onufer reported that Justice Wisnesky turned in funds in the amount of \$682.00 for November 2029, a voucher from the Justice Court has been received in the amount of \$622.00 and the Town's Share was \$60.00. Justice Wisnesky turned in \$414.00 for December, no voucher has been received yet.

Grant for alarm system – nothing new to report.

## **HUD**

We may have to do a remote public hearing for a new HUD Grant.

Supervisor Onufer reported that Town Attorney, Matt McArdle, felt that the wording of the Conflict of Interest Resolution was not sufficient. He sent a resolution for the board to approve, Supervisor Onufer read this to all board members present. It reads as follows:

Resolution of the Town Board of the Town of Constable  
Pertaining to Public Disclosure of Conflicts of Interest  
Involving U.S. Department of Housing and Urban Development

### Block Grants

At a regular meeting of the Town Board of the Town of Constable, Franklin County, New York at Constable, New York in said Town on January 14, 2021 at 7:00 pm.

The Meeting was called to order by Richard G. Onufer, Town Supervisor. The following were PRESENT:

Supervisor Richard G. Onufer

Others Attending:

Councilman Leahy  
Councilwoman Lemire  
Councilman Patterson  
Councilman Wilson

The following resolution #3-2021 was offered by Councilwoman Lemire, who moved its adoption, and seconded by Councilman Wilson, to wit:

WHEREAS, the Town of Constable, Franklin County, New York applies for and is awarded Small Cities Community Development Block Grants on a periodic basis by the U.S. Department of Housing and Urban Development, and

WHEREAS, The Department of Housing and Urban Development, through 24 Code of Federal Regulations Section 570.611. prohibits the provision of Block Grant assistance to persons who have family ties to anyone who exercised any administration of a CDBG program or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, and

WHEREAS, the Town Board of the Town of Constable is responsible for the administration of the CDBG program; and

WHEREAS, certain members of the Town Board may have relatives, either by blood or marriage, who are otherwise eligible to receive funding through the project; and

WHEREAS, Department of Housing and Urban Development (HUD) regulations allow the Town Board to apply to HUD for an exception to the Conflict of Interest regulation on a case-by-case basis, but only after public disclosure of the conflicts, and

WHEREAS, if a public disclosure is made that a Town Board member has family ties to persons who would otherwise be eligible for Block Grant assistance, and the facts to be considered for a Conflict of Interest are discussed at a Town Board public meeting, to wit:

NOW, THEREFORE, be it resolved as follows:

1. That the Town Attorney will make application to HUD for an exception to the Conflict of Interest provisions pertaining to individual or individuals that the town official or town employee with who said individual or individuals is related and that the town official shall abstain from exercising any functions or responsibilities with respect to the CDBG activities regarding such related individual;

2. That a copy of this resolution will be entered in the Minutes of the meeting of the Town Board of the Town of Constable when a disclosure is made that a Town Board member has family ties to persons who would otherwise be eligible for Block Grant assistance and that a certified copy thereof will be forwarded to the United States Department of Housing and Urban Development.

The above Resolution was put to a roll-call vote as follows:

**Voting**

Supervisor Richard G. Onufer

**Others Voting:**

Councilman Leahy  
Councilwoman Lemire



Councilman Patterson  
Councilman Wilson

I, Susan C. Prue, Town Clerk of the Town of Constable, hereby certify that I have compared the foregoing copy of the Resolution #3-2021 dated January 14, 2021. With the original thereof on file in my office and that the same is a true and correct copy of the original.

I further certify that said Resolution was publicly discussed at the regularly scheduled meeting of the Town Board of the Town of Constable held on January 14, 2021. And that all required advance public notice of the date, time and place of said meeting was duly given in accordance with the law.

Supervisor Onufer reported receipt of a discharge of mortgage for the C.G. HUD Grant.

### **General**

A motion was made by Councilman Patterson and seconded by Councilman Leahy to not open the Rec Park for the Summer Season, motion carried.

A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to purchase 2 foggers, 1 – Town Hall and 1 Highway Garage, motion carried.

Supervisor Onufer reported receipt of the signed contract from then N.C.A.S.

Supervisor Onufer reported receipt of \$484.90 from Helm Salvage from the dumpster that had been located at the Highway Garage.

On December 21, 2020 Supervisor Onufer reported he received the AIM Funding of \$11,841.00.

Savings Statements for December 2020 was presented for all board members to review.

Trial Balance for December 2020 was presented for all board members to review.

Supervisor Onufer presented the General Fund Monthly Statement for December 2019 for all board members to review. A motion was made by Councilwoman Lemire and seconded by Councilman Wilson to accept the General Fund Monthly Statement, motion carried.

Supervisor Onufer presented the 2020 Statement of Taxes and Equalization Rates, and that the Equalization rate has changed to 10.4% from 11.1%.

On a motion by Councilman Wilson, seconded by Councilman Leahy for a budget amendment #13-2020 General Fund.

\$ 23.30 from #A 909  
\$ 23.30 to #A 971.7 – Int. Payment

Motion carried.

On a motion by Councilman Leahy and seconded by Councilwoman Lemire for Budget Amendment #14-2020 General Fund.

\$ 264.72 from # A 7110.4 Parks Cont.  
\$ 1,179.72 from # A 7110.4 Parks Cont.  
\$ 691.86 from # A 7110.4 Parks Cont.  
\$ 262.50 from # A 7110.4 Parks Cont.

\$ 264.72 to # A110.4 Justice Cont.  
\$ 1,179.72 to # A1620.4 Central Garage Cont.  
\$ 691.86 to # A5132.4 Garage Cont.  
\$ 262.50 to #A8090.4 Planning Cont.

General Bills were audited and approved. #243-276

A motion to adjourn was made by Councilman Wilson, seconded by Councilman Patterson, motion carried. Meeting was adjourned at 9:35 pm.

Susan Prue, Constable Town Clerk