

A Public Meeting for the Town of Constable was held on November 14, 2019 at 7:00 pm. Members present were Councilmen Leahy, Wilson and Patterson, Councilwoman Lemire, Supervisor Onufer, Town Clerk Prue, Highway Superintendent Martin and Code Officer Halley.

Guests present Stephen Bartlett, Malone Telegram, Chad Coons, Constable Resident, and Dalton Patterson, Tech. / Web Designer.

The purpose of the public meeting was for discussion on Local Law #1-2019 "Establishing a Single Elected Assessor." No Constable Residents showed to view and read the proposed The Local Law, which was discussed by all board members.

A motion was made by Councilman Leahy, seconded by Councilwoman Lemire to accept minutes from the October 10, 2019 meeting, motion carried.

### **CODE OFFICER**

Gordie gave his monthly reports for September and October. A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to accept both reports, motion carried.

Constable Resident, Chad Coons, came to the board meeting to address the junk metal he has on his property. He explained that as soon as the price of scrap metal rises he will be getting rid of it all and asked the Town Board to please be patient with him and he realizes he needs to clean this up. The Board said that as long as he is making an effort to get this cleaned up they are willing to work with him on this issue.

A motion was made by Councilman Patterson and seconded by Councilwoman Lemire at 7:32 pm to close the public meeting, motion carried.

The Regular meeting opened at 7:32 pm with Supervisor Onufer calling the meeting to order.

### **Highway**

Metal dumpster is still at the Highway Garage.

The Stebbins Road Grant. Larry submitted \$10,629.38 in for reimbursement and there is \$13,493.86 left to apply for in grant funds.

Supervisor Onufer reported that a copy of the 1998 Resolution pertaining to the Town taking over the Henry Road was turned over to Town Attorney, Matt McArdle who drafted a letter to Mr. Rogers which reads as follows:

Dear Mr. Rogers:

This office represents the Town of Constable. We are writing with regards to the Henry Road, and the recent work we understand you performed to the roadway itself.

Please be advised that the Henry Road is a public, Town Road, and it is not appropriate for you to perform maintenance, repairs, or the like to said road.

In that regard, enclosed please find information concerning Town Board Resolution #8-1998, adopted with respect to the Henry Road, and making said road a Town Road.

I am also enclosing a New York State Department of Transportation Local Highway Inventory Sheet from the Town of Constable, dated October 20, 1999 which shows the Henry Road as a public road.

Finally, I enclose a letter received by the Town from your prior attorney, Bryan J. Hughes, dated January 10, 2018, in which it is noted that "Mr. Rogers requests that his driveway (the Henry Road) be removed from the list of Town roads". This suggests your understanding that the Henry Road is, in fact, a Town road.

With the foregoing, we respectfully request that you discontinue any maintenance, improvements, or the like on the Henry Road.

Thank you for your anticipated cooperation.

Supervisor Onufer introduced the NYS Snow & Ice Contract for the years 2019-2024. A motion was made by Councilman Wilson and seconded by Councilwoman Lemire for Resolution #12-2019 which read as follows:

November 14, 2019

**RESOLUTION # 12-2019 AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR SNOW REMOVAL AND ICE CONTROL ON NEW YORK STATE HIGHWAY for 2019-2024.**

It was moved by Councilman Wilson, and seconded by Councilwoman Lemire that the resolution be adopted. Resolved that pursuant to Chapter 249 on the Law of 1972, the Supervisor of the Town of Constable is hereby authorized to enter into an agreement with the Commissioner of Transportation of the State of New York for the performance by the Town of Constable Highway Department for the control of snow and ice on the State Highways within the boundaries stated on the attached map. Copy of said agreement annexed hereto and made a part thereof:

I hereby certify that the above Resolution was passed at a regular meeting of the Town Board, Town of Constable, held on Thursday, November 14, 2019, and that such Resolution has been entered in the Minutes of this meeting.

A roll call vote was taken with the following results:

Councilman Wilson - yes  
Councilwoman Lemire - yes  
Councilman Leahy - yes  
Councilman Patterson - yes

Highway Superintendent Martin presented information on a new truck and possible financing information. This was discussed by all board members and a motion was made by Councilman Wilson and seconded by Councilman Leahy to move forward with the purchase and financing the truck through Rural Development; motion carried.

Highway Superintendent Martin reported that CHIPS funds of \$14,744.05 have been applied for and there is a roll over balance of \$34,080.01.

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson for Highway Fund Budget Amendment #8-2019

\$8,817.60 from Account # DA5130.1 – Pers. Serv. Machinery  
\$ 500.00 from Account # DA5110.4 – Gen. Repair Cont. Exp.  
\$1,000.00 from Account #DA5130.4 - Machinery Cont. Exp.  
\$ 942.07 from Account #DA5148.1 – Serv. for other govt. Cont. Exp.

\$8,817.60 to Account #DA5110.1 – Gen. Repairs Pers. Serv.  
\$ 500.00 to Account #DA5112.2 Imp. CHIPS – Capital Outlay  
\$1,000.00 to Account #DA5112.2 Imp. CHIPS – Capital Outlay  
\$ 942.07 to Account #DA5112.2 Imp. CHIPS – Capital Outlay Motion carried.

Highway Superintendent Martin gave his report for fuel usage for October 2019. Motion made by Councilwoman Lemire, seconded by Councilman Wilson to accept the Highway Superintendent's report, motion carried.

Highway bills were audited and approved #124-134.

Supervisors Report for the October Highway Fund presented for all board members to review. A motion was made by Councilman Patterson and seconded by Councilwoman Leahy to approve the October Supervisors Report, motion carried.

**Web/Tech**

Dalton gave his report for October and it was discussed as to whether or not to have the new town hall wireless for each computer or hooked up separately. It is the suggestion of CTS that we do not do wireless. After discussion, it was decided at this time to go wireless, Councilmen Leahy and Wilson – Yes, and Councilwoman Lemire – Yes, with Councilman Patterson abstaining from the vote.

The Board has requested Lisa Brown with CST to attend the December 2019 meeting for further discussion on this matter.

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

### **Capital Improvements**

Supervisor Onufer went over the supply list for the Justice Office, court room and meeting area in the new town hall

Capital Project bills were audited and approved 13-20

Supervisors Report for the October Capital Projects Fund was presented for all board members to review. Motion made by Councilwoman Lemire, seconded by Councilman Patterson to accept the Supervisor's Capital Projects Fund report, motion carried.

### **Town Justice**

Court fees for September were \$1,102.00 and a voucher from the Comptroller's Office in the amount of \$1,017.00 was received with the Town's Share being \$85.00. Court fees for October were \$00.00.

### **Town Clerk**

Motion made by Councilman Leahy, seconded by Councilwoman Lemire to accept the Town Clerk's Report, motion carried.

### **General**

A motion was made by Councilman Leahy and seconded by Councilman Wilson for Resolution #16-2019 to approve Local Law #1-2019. A roll call vote was called for by Supervisor Onufer and reads as follows:

Councilwoman Lemire – Yes

Councilman Leahy - Yes

Councilman Patterson - Yes

Councilman Wilson – Yes

Motion carried.

A motion was made by Councilman Patterson and seconded by Councilman Leahy to let Laurie Marshall, Assessor, buy a new computer for \$1,000.00 or less. The funds will come out of the left over HUD funds, motion carried.

At a regular meeting of the Town Board of the Town of Constable a motion was made by Councilman Wilson and seconded by Councilman Leahy for Resolution #13-2019, which reads as follows:

**Resolution For The  
Town of Constable**

**Dated: November 14, 2019**

**REGARDING SO-CALLED BAIL/DISCOVERY REFORM ACT –  
STATING OPPOSITION THERETO**

**WHEREAS:** At a regular meeting held by the Town of Constable, the following was discussed: an update from Franklin County District Attorney Craig Carriero regarding concerns associated with the recently passes legislation regarding bail and discovery reform and how the new legislation will adversely affect public safety.

**WHEREAS,** pursuant to said new bail and discovery reform legislation:

1. The legislation eliminates the ability of judges to set bail on all misdemeanor and nonviolent felony crimes and some violent felonies, such as Robbery 3<sup>rd</sup> and Burglary 2<sup>nd</sup>.
2. For domestic violence cases, a defendant comes home and assaults his/her spouse, say he/she breaks his/her nose, and the charge is assault third ( a misdemeanor). The defendant resists arrest, a police officer comes and her/she spits in the officer's face. Bail cannot be set for that individual and the Court is required to release that defendant that night.
3. From assault to crimes like robbery and burglary (home invasions), bail cannot be set and the defendant must be set free upon arrest.
4. Bail could not be set for defendants who commit crimes, such as, manslaughter in New York State, because that is not considered a violent crime.

5. In an aggravated vehicular homicide case (someone gets drunk and kills one or more people), the Court is required to release the defendant that night.
6. Bail could not be set for a sex offender who fails to register a new address.
7. Drug crime defendants, except for those who are major distributors, are also getting released by the Court the same night, regardless of their ties and connections to the community.
8. Also in the new law, there is a provision that allows the defendant to inspect the crime scene. So in burglaries and sexual assaults, the defendants have the right to make that application and re-enter a victim's home or apartment.
9. The new law also requires prosecutors to turn over all discovery material within 15 days of arraignment, which is a completely unreasonable demand that imposes an additional burden on law enforcement and prosecutors that will impair the ability to adequately prosecute crimes.
10. Names of witnesses and contact information must be provided to a defense attorney within 15 days of someone's arraignment, which will significantly deter the willing of witnesses to cooperate with law enforcement.

**NOW THEREFORE;** it is resolved by the Town Board of the Town of Constable that it opposes the concepts of the Bail Reform Act highlighted above and urges the New York State Legislatures to repeal the changes in total and it is further;

**RESOLVED;** that copies of this Resolution be sent, by the Town Clerk, to the Governor, New York State Legislators, Assemblyman Billy Jones and Senator Betty Little, the Speaker of the House and Senate Majority Leader as well as all other Franklin County Municipalities.

Supervisor Onufer reported receipt of the signed contract from the Constable Adult Center which was signed by Supervisor Onufer and Councilwoman Lemire (Town Clerk could not sign, she is on the Constable Adult Center Board) and a copy was returned to the Adult Center. Signed Contracts were received from the Bookkeeper, Park Director, and Tech/Web.

At the regular monthly meeting for the Town Board of the Town of Constable, held on Thursday, November 14, 2019 in the town hall, the following resolution was presented by Councilman Wilson and Seconded by Councilwoman Lemire, motion carried.

Resolution # 14-2019 regarding supporting the Constable Food Pantry with a \$600.00

Contribution to help with the cost of fuel oil.

Supervisor Onufer reported he received a proclamation request from Andrew Campanetta for officially recognizing the week of January 26, 2020 – February 1, 2020 as School Choice Week in Constable. A motion was made by Councilman Leahy and seconded by Councilman Patterson for the following.

“A Proclamation Commemorating Constable School Choice Week”

WHEREAS: All children in Constable should have access to the highest-quality of education possible; and

WHEREAS: Constable recognizes the important role that an effective education plays in preparing all students in Constable to be successful adults; and

WHEREAS: Quality education is critically important to the economic vitality of Constable; and

WHEREAS: Constable is home to a multitude of excellent options from which parents can choose for their children; and

WHEREAS: Educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS: Our area has many high-quality teaching professionals who are committed to educating our children; and

WHEREAS: School Choice Week is celebrated across the county by millions of students, parents, educators, schools and organization to raise awareness of the need for effective options;

NOW, THEREFORE: The Constable Town Board does hereby recognize January 26, 2020 – February 1, 2020 as Constable School Choice Week, and call this observance to the attention of all of our citizens, motion carried.

Supervisor Onufer reported receipt of \$281.48 from NYMIR, a return of original capitalization, and distribution 2 and 3 and \$73.86 a return on annual underwriting earnings.

Supervisor Onufer reported receipt of \$12,002.63 from F.C.S.W.M.A. for the 3<sup>rd</sup> quarter.

Supervisor Onufer presented the North Country Life Flight Contract, which reads as follows, for approval by the board.

**WHEREAS:** North Country Life Flight, Inc. is a not-for-profit, tax-exempt corporation which is responsible for all aspects of patient care by providing medical equipment, training medical personnel and administering the medical portion utilizing the New York State Police helicopter based in Saranac Lake; and

**WHEREAS:** The New York State Police aviation resources do not provide a medically trained team or medical equipment for patient transports; and

**WHEREAS:** The people of Clinton, Essex, Franklin, Hamilton and St. Lawrence Counties receive a vital emergency medical service which is free of charge to critically ill and seriously injured parties, and, therefore municipal governments are asked to pledge monies for this worthwhile program;

**NOW, THEREFORE, BE IT RESOLVED:** That the Town Board of the Town of Constable hereby authorizes the Supervisor to enter into a contract with North Country Life Flight, Inc. for the purpose of operating the medical component of the medivac program, which will serve its residents and visitors, and paying the amount of \$500.00 which represents the Town's share for 2020; and be it

**FURTHER RESOLVED:** The sum of \$500.00 is hereby appropriated to Account No. 4540.4 for payment to North Country Life Flight, Inc.

A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to approve Resolution #11-2019, presented at the October 10, 2019 meeting, the North Country Life Flight, Inc. 2020 Contract, motion carried.

Report for the October General Fund presented for all board members to review. A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to approve the October Supervisors Report, motion carried.

General Fund bills were audited and approved. #205-#224

A motion was made by Councilwoman Lemire and seconded by Councilman Patterson for Budget Amendment #8-2019 for the General Fund, motion carried.

\$ 107.47 from Account #A1220.4 Supv. Cont. Exp.  
\$ 65.00 from Account #A1989.0 Fire Dept. Cancer Ins.  
\$ 150.00 from Account #A1330.4 Tax Collector Cont. Exp.  
\$ 100.00 from Account #A1410.4 Town Clerk Cont. Exp.  
\$ 238.89 from Account #A1910.4 Special Items Unallocated Ins.  
\$ 198.25 from Account #A1910.4 Special Items Unallocated Ins.



\$ 107.47 to Account #A1110.4 Justice Court Cont. Exp.  
\$ 65.00 to Account #A1420.4 Attorney Cont. Exp.  
\$ 150.00 to Account #A1620.4 Central Garage Cont. Exp.  
\$ 100.00 to Account #A1620.4 Central Garage Cont. Exp..  
\$ 238.89 to Account #A1620.4 Central Garage Cont. Exp..  
\$ 198.25 to Account #A7110.4 Parks Cont. Exp. Motion carried.

NY Class Account for October presented for all board members to review.

Trial Balance for October presented for all board members to review.

Motion to adjourn was made by Councilman Leahy at 9:50 P.M., seconded by Councilman Patterson, motion carried.