

Village of Canton, New York

VILLAGE SPECIAL BOARD MEETING

Meeting Minutes: April 29, 2019

Board Present:

Michael Dalton, Mayor
Klaus Proemm, Trustee
Beth Larrabee, Trustee

Sean O'Brien, Trustee
Carol Pynchon, Trustee

Others Present:

Gerald Ducharme, Village Attorney
Brien Hallahan, Superintendent
Linda Casserly, Historian

Sally Noble, Clerk/Treasurer
Cara Adams, Deputy Clerk

LEGAL NOTICE

Notice of Public Hearing
Village of Canton Economic Development Grant Application

Village of Canton Board of Trustees will hold a public hearing on **Monday, April 29, 2019 at 6:00pm at 60 Main Street, Canton, New York in the Municipal Building Court Room** for the purpose of hearing public comments on the Village of Canton's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2019 Year program year.

The Village of Canton, upon approval of the Board of Trustees, intends to submit an application for funding in the amount of \$195,000.00 under the CDBG Economic Development program to assist Audrey Guthrie Inc. d/b/a Dairy Queen with the purchase of equipment for their property located at 51 Gouverneur Street, Canton, New York. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$50 million for the Current Program Year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

VILLAGE OF CANTON
Minutes of First Public Hearing
Community Development Block Grant
6:00pm, Monday, April 29, 2019
Municipal Building, Court Room
60 Main Street, Canton, New York 13617

Board members present: Michael Dalton, Mayor; Carol Pynchon, Deputy Mayor, Trustees Elizabeth Larrabee, Sean O'Brien, Klaus Proemm.

Staff present: Sally Noble, Clerk; Cara Adams, Deputy Clerk; Leigh Rodriguez, Director of Economic Development; Gerald Ducharme, Village Attorney.

Public hearing opens at 6:02pm

Mayor Dalton (MD): We have two public hearings to take care of. First one is to take public comment on the Village of Canton's economic development needs and to discuss the submission of one or more Community Development Block Grant applications for the 2019 program year.

More specifically, and there should be information that is on the table, the village of Canton upon the approval of the board of trustees, intends to submit an application for funding in the amount of \$195,000 under the CDBG Economic Development Program to assist Audrey Gu... ah, Guthrie d/b/a Dairy Queen with the purchase of equipment for their property located at 51 Gouverneur Street, Canton, New York. The CDBG Program is administered by the New York State Office of Community Renewal and will make available to eligible local governments approximately \$50 million for the current program year for housing, economic development, public facilities, public infrastructure, planning activities with the principal purpose of benefiting low to moderate income persons. The hearing will provide further information about the CDBG program and will allow citizens participation in the development of any proposed grant applications and/or to provide technical assistance to develop the alternate proposals.

Comments on the proposed project will be received at this time. The hearing is being conducted pursuant to section 570.486 subpart 1 of the CFR in compliance with the requirements of the Housing and Community Development Act of 1974 as amended.

This is the second hearing, the first of which was held on November 19, 2018 and at this point the application is ready for filing and requires this second hearing. I do want to point out, a little bit of background on some of our, uh, CDBG grant, applications and funds that we've been able to obtain over the years. These are state administered Federal HUD funds that are available for community economic development. Generally they are gap fillers to help complete projects. Over the last few years Canton has pursued, pursued CDBG funds for Main Street Programs in the amount of \$300,000, Microenterprise grant that is just wrapping up for another \$200,000, and there is a Community Facilities project that was just awarded for \$300,000 to help with the Housing Authority with repairs to their elevators. So we applied for these in support of community businesses and administer the grants.

So at this time... is there anything that you want to add to this, Leigh? That I, as I highlight this, is there anything of the program... Everyone should have picked up one of these (referring to handout), there is a lot of information about the programming in there.

Leigh Rodriguez (LR): I can speak a little bit more about the particular program we are applying to referenced in that... (handout). As the mayor stated, there several different programs through the Community Development Block Grant Program. They address needs in the areas of Public Infrastructure, Public Facilities, Economic Development and Communit... Community Planning. The program we are applying to is the Economic Development Program. And through that, there are two funding categories, the Economic Development and Small Business. There are two different avenues you can pursue. This grant is being applied for through the Economic Development program. This is all in the handout as well if you follow. Funding is typically provided to eligible communities for traditional economic development activities such as business attraction, expansion, and retention projects to provide financial assistance to businesses for an identified CDBG eligible activity which will result in the creation or retention of permanent, private sector job opportunities principally for persons from low-and moderate-income families. Eligible uses of funds include acquisition of real property; financing of machinery furniture, fixtures and equipment; building construction and renovation; working capital; inventory; and employee training expenses. Use of CDBG funds toward construction and renovation costs are subject to Davis Bacon Wage Rate requirements. This includes the cost of equipment that requires installation as well as the purchase of materials used for construction activities.

So the guidelines, requirements and limitations for the Economic Development Program, there is a maximum award amount of \$750,000, the minimum is \$100,000; New York State CDBG can fund up to 40% of a total project cost, not to exceed maximum award amount; projects must result in the creation or retention of at least one permanent, FTE job for every \$15,000 of New York State CDBG funds awarded; and New York State CDBG funds should be used as gap funding to induce project completion.

So that's a little bit more details about the particular program that we are applying to and again, as the Mayor stated we are applying for \$195,000 out of a project of, I believe, \$972,000, \$973,000 is the total project cost. And there is a requirement of creating a minimum of 13 full time equivalent jobs, at least half of those, 51%, have to go to persons of low to moderate income.

MD: Thank you. OK. I'll open the floor for comment. I would ask you that if you are in the rear of the room to try to come forward. We are trying to keep a good record on the tape machines and sound doesn't carry very well here. I ask that you stand, identify who you are, where you live... make your comment... please keep it as brief as possible, ya know... maybe three minutes, so everybody gets a chance. Is there any comment?

Gail Crabtree (GC): Hi. I'm Gail Crabtree. I'm one of the owners of the Dairy Queen. I'd like to thank all of the Trustees and especially Leigh for their assistance. It's been a lot of support to us. Uh, we are all local people. We grew up in Canton, went to Canton Schools, St. Lawrence University. I have a family history of four generations of business in the Village of Canton.

This grant is for 25-30 jobs, that's actual jobs, not full time equivalent. So the project itself being over \$900,000, obviously the part that's for the equipment is a small portion it. We have insurance proceeds, bank loans and personal assets that will have to supplement that. This business was our livelihood... until it was tragically destroyed. And we, we're coming looking for a little assistance to get our business back going, and we will be even better than before, year-round, employing more people than ever before and to low and middle income families. Thank you.

MD: Thank you. Any other comment?

Elizabeth Pier (EP): I'm Elizabeth Pier and just like your family I have kids that went to SLU, they went to Canton. I'm originally not from here, I am a transplant. Sorry. However, when I decided to open my business I waited 'til the right property came up because I wanted to open it in Canton. I wanted to support Canton. Canton downtown has so much potential and we've got to change the way we do business to bring... we can be a destination location. We can be a small Hanover, NH. We can be that place but we've got to stop and change the way we do business.

I don't know you guys and I am, I'm shaking because just the thought of having to go through what you guys went through is just uncomprehensible and I am so sorry for everyone that got affected by what happened at Dairy Queen. This isn't about you, and it's not about Dairy Queen. It's really about... my kids are gone, I have chosen to make Canton my home. All of this money that's available to go to a project, and no offense 'cause I really don't want to offend anyone. I'm a business owner. I carry insurance, I carry everything and if something were to happen to my business... I don't know what I would do, but I would go and get... there are small business loans for this. There are other avenues that can be pursued to bring this back. I'm a very small business. I employ ten year round people on... and it didn't cost me a quarter of that to build a brand new commercial kitchen with all of my equipment. For \$195,000, that can... why not divide that for four businesses who can bring in a lot of other opportunity here in downtown. There are so many avenues that we can do to bring wonderful economic business and change the way the face of Canton provides itself in St. Lawrence County. I'm just saying, that this grant for \$195,000... there's not even a building there yet. If this money is available and, and... that can be tapped into, why is only going to one place that is only... up until now... we don't... the community hasn't seen... is it going to be rebuilt? How do we know? Do we have plans? Do we ha... we want to know that this \$195,000 is going into where it is supposed to.

We don't have... all we say is that, yeah we're going to do this. All I'm saying is... this went in the paper yesterday at 5:28. It was put in the North County Now at 5:28 the advertisement for today's meeting. I had eight people call me and they're afraid to come because they either were related, or they know someone in town. But you look at the Facebook posts of people that are ques... that are saying please let's think about this. Let's honestly just think about why are we putting all this in and they didn't know it. Look at... I brought them, I made copies of –

MD: When was the posting?

Sally Noble (SN): I didn't post anything Leigh took care of all of that.

EP: I made a copy

MD: When was it posted Leigh?

LR: It went into the Watertown Daily Times on the 21st of April as required by this program.

EP: But that's not locally.

LR: And it went into the Plaindealer on the 23rd.

MD: It's been in... it's been in all the papers. Meeting our legal requirements for this.

EP: I get that.

MD: And, and this is the second public hearing about this.

EP: The first public hearing was like, the same response.

MD: Well...

EP: All I'm asking is if it's possible that we can just get one small delay, I don't care if it's a week, so that we can have an opportunity to get other people... to come and voice... a lot of people would be here today, they didn't have time because they just found out about it. Read the Facebook posts. I didn't know about it I have a legislative meeting. I didn't know about it I have this. All that we are saying is just please take a step back, there's so much that can happen for Canton. This is such a great area and you do have great people. That's why I decided to spend my own money and build a business here, because I believe in this town, I believe in the people, I believe in everything we have to offer. So does so many other people who have posted, in one day. I posted this at 9:30 last night because, I'm not dropping names, I had someone who emailed me and then called me and said, did you see this? This is happening tomorrow, we didn't know about it. And so I immediately put a Face on two, my personal account and my business account. Look at all the responses we got that are saying, oh my gosh, why? And that's why I'm here, is just to say why?

MD: OK.

EP: So please, it's, it's really not...

MD: Well I, ya know, it will be up to the board to decide what direction they want to go. Your comments are noted.

EP: So if we can wait...

LR: In the legal notice it says that we will be accepting comments...

MD: Until?

LR: Until May 6th.

MD: Yup. So if somebody wants to write...

LR: So comments can come to me, until May 6th at 4 o'clock.

Carol Pynchon (CP): And ask questions. I think that the important thing to do is for people to read the information here because I think the one place that I'm not sure it's clear to people who read the posting... its, this is not an either or thing. We're not going to get \$195,000 to give to them or to divide up among others. There's all of this HUD money, all this HUD money that the State administers and we applied for. This is \$195,000 coming to Canton. We can, in other times and other places, apply to them for more, for other. It's not a question of dividing this up differently. If we say, if we decide not to do this, we don't get it. We're not getting that money for something else. That's not how it works.

EP: But I feel its benefitting a private person.

Sean O'Brien (SO): And we're competing with southwestern NY, Hudson Valley, Central NY. I don't... I've never thought of this, for four years or whatever I've been doing it, as Canton competing amongst each other, Cantonians competing amongst each other. I think we are, the way the State structures these awards, is we are competing against other regions, other places in New York State. And I want to win those competitions, because I believe all the same things that you said. And honestly I think probably there's a universal consensus about that, I mean, we are all here on Monday evening, right? I think there's probably a universal consensus about that in the room, so, what I want to do is... is, as much as I like Mayville, New York, I want to get this grant before they do. And if we have a compelling case to make, then it makes sense to me... we don't, we're not capped in any way... and Leigh, you can feel- please feel free to correct me if I'm wrong, right, but we're not pushing at a cap for this, we're not.. this doesn't need to be any place in Canton over any other place in Canton. The way I think of it this is us all working together.

Lyne Soulia (LS): Lyne Soulia, Town of Canton. This is kind of a two part little thing. First of all, I want to kind of make a point to you about finding out things, and this is something I've said for a long time and I know it's not going to change. But there are those of us who don't get the Plaindealer, who don't subscribe to the Watertown Times because we can't afford them. I can't afford it. I can't... I'm not ashamed to say that, we're on a fixed income I can't afford it. It need... I really believe these things should go out into a free form that is available to those of us who cannot afford to subscribe or will not subscribe to a paper and then throw away. We like things that are online. I get mine, mine on NorthCounty. That's where all... I get all my information is on NorthCounty. I think it is nice, would be nice if that would just be something that could be put out there in a free form somewhere that those of us, for those of us.

Second, I guess my question would be, who decided to apply for this grant? Was it persons that own the Dairy Queen, or was it the Village of Canton?

MD: They approached, as far as I understand, they approached us...

GC: Through the IDA.

MD: Through the IDA to see if there was something...

GC: Everywhere that might have an avenue toward a grant or, or any help we could get.

LR: And I just wanted to address some of the things you said. This particular program is intended to benefit one business. This is not one that is a grant that we receive then grant out. This particular program as I indicated, the Economic Development, is for one...

EP: But isn't it for an ongoing business not, I think... and this is going to sound terrible. I don't want it to come across the wrong way. As a business owner, my two business expenses are my employees and my insurance and I make sure that I am covered so that if something like this happens my employees are covered, I'm covered so that I can rebuild. So I feel, that in this case, loans should be taken to rebuild this business and not economic funds that could be used and applied, and let the community know in a better way that these

funds are available because more people might start a business. More people might look into, if they knew how it worked and what was available.

MD: As I said in the beginning here, we just wrapped up a \$200,000 grant program that was available for five startups? Or Six?

LR: Three startups, three existing.

MD: Yeah, and we just went through this with...

EP: But this isn't a startup.

MD: It was for three existing and three startups.

EP: I know but... this is not a startup.

MD: No its not. But these are the things that we do.

LS: That was \$200,000 divided five people, this is \$195,000...

MD: It's a different... its part of the same program, different specific requirements for a program.

EP: We're just asking that can we have a week.

CP: Until May 6th, so the answer is yes.

EP: Then, OK, then I'll go back and let the people know who couldn't come.

Lea Hance (LH): Hi, my name is Lea Hance. I'm here from the town of Canton as well. And I know the family for the last several years, and I'm not, I'm not for or against anybody here, but I would like to say a couple of things, me personally just as a resident of Canton and the things that I have experienced. Number one, I'd like to say that the Dairy Queen has always supported our Veterans. I am a military veteran myself and I appreciate all the things that she does to help through the VFW, and encouraging young children... I know one of the girls just left from the Dairy Queen and went into the military and she supports us and I appreciate that first of all.

Second of all, I would like to say that growing up in Canton schools, going to Canton Colleges, her family has been an integral part of ours. Back from when, people that who her grandparents or someone owned a bakery that my parents and grandparents knew. And in addition, going... after sports, going to the Dairy Queen is just, like... everything. It's just like, it was always part of who we were. And ya know, our family... I've now brought my children there, and my grandchildren there. And, in addition, ya know, to the fact that she supports the community as a whole... Ya know, I, I know there are several people that she donates to, ya know, to help out in bad times and I think that we should reward people of our business community who help support all of the rest of our community. And I know I've, I've heard some things about grant gaps or loans... I don't know anything about that but it seems to me that if Ms. Crabtree said something about 900,000 and we're giving 195,000 or something... gotta be some kind of gap loans there or something. So, I'm not

sure what that's about, if someone could say, ya know, hey, ... she's only getting \$195,000 from our community for the last 52 years or 51 years I think you, you were in business?

GC: Yes.

LH: OK, so 50 plus years and she is in addition putting in, ya know 750,000 I think that's a, a fair trade for someone who has been supporting our community for the last 51 years. And like I said, I'm not on any one side, I don't know people that integrally well but, I think to any community should step up and support all of our business whether they are small, big or, or anything.

MD: Thank you. Any other comment?

Tom Jenison (TJ): Tom Jenison, Village of Canton. Couple of things if you don't mind, couple of questions to um... I actually read online today the same things that were expressed in here tonight. My throat too, must have caught it from the Mayor

MD: You didn't catch it from me.

(general laughing)

TJ: But, ya know I've had a business on Gouverneur Street for over 35 years, OK? And, just recently, now, just think about this folks. How many empty commercial buildings do we have in Canton right now that are in really horrible condition, I mean, just horrible. We have a number of them. This is just one, ok? With that being said here, it goes back to- I'm not going to replicate some of the questions here, but when it gets down to it I lost a building right next door here approximately 25 years ago from a fire, and that was a commercial building, it was an apartment house which I renovated, yada, yada. Way under insured. Horribly under insured. So with that being said all of my buildings, I've had a lot of them, and I still have some here in the Village of Canton, are at insurance rates because the insurance company comes in and says this is what you're going to have, and I said fine, OK? Liability, let's boost it as high as I can. I'm not going to say that the building they had was underinsured, I have no idea, but that's either here nor there. But I do have a couple of issues as far as the term grant. Grant money is not free money. I don't care what you say it is. It comes from us. It comes from you and me. And with that said here, grant money has to be looked at much more harder than if they came in and said, I want a building, and I'm putting this thing up in here and I've got \$973,000 coming in from different parts. Give them a building permit and let 'em go do it, ok?

With that said here, I would like to be able to say, I have an issue when it comes down to these full time equivalents when you're talking two or three can equal one full time equivalent. They turn around and they then go, when they're off, they go right off, they either go back on unemployment insurance, welfare, food stamps. Our money again. So, a for-profit business is a whole different world as far as getting a grant than a non-profit, now I hope you understand that, it truly is. Looking around St. Lawrence County there have been very, very few. Matter of fact, I served on the County Planning board for 25 years so I know how many. There were two, ok, and they were cheese plants. One in Heuvelton, one up in Brasher. That's what we've done as far as St. Lawrence County is concerned. What you do locally is up to your situation.

But, there again, she brought up an interesting point of, now this out there, setting a precedent for potentially a number of public businesses to come say, I want to start a business, I want to jump my employees one or two, I'd better have a public hearing, I want to go through the whole process. You know this, you have to do this now that, if you do this particular project and it goes through be aware you are setting precedents that sometimes can bite you where you don't want to be bit.

The last thing I want to talk about, basically, is administration of this grant. You, or the County, or excuse me the Economic Developer, has to administer this thing here. The money has to come to you. You turn around and insure that whatever has been purchased is actually installed and then you give them the money after the fact. It's not money that they get right now, I think we all understand that too.

So, I'd like to make sure that, the last thing I want to talk about really quickly is part of again, part of this whole process here is that... it gets down to, restaurants are a real low priority, and this is a fast food restaurant, like it or not, it is qualified that. I called the IDA up today and talked about them. It's a fast food restaurant. Very low end of the spectrum as far as getting these type of development grants. Whether or not they receive it that's not for me, for you, for anybody else, it's on the State. But it does talk about, specifically, that you have to have a support, basically. And it's a... what am I trying to say here? It's gotta be... this business, and it's this business we're talking about, has to be an integral part of a community's revitalization effort. I've seen no revitalization effort on Gouverneur Street in the thirty years, thirty-five years I've lived there, ok? It's all been down Main Street. You know that and I know that, ok? If it's true that this is a prioritization for this Village board to get money, better change the revitalization part of the Village when it comes down to looking at where we need to be revitalized. I've been trying to get Gouverneur Street revitalized for many, many years, OK? But its dead, ok? We've seen two empty buildings on it, the quonset hut down there is an abomination to anybody who comes into this Village and it's still there. That's all I want to say. Thank you very much.

MD: Thank you. Anybody else?

Gabrielle Oatman (GO): Hi my name is Gabrielle. Canton also. I have to use my phone because its my rough draft. But I just want to say that I live on Gouverneur Street and I was there at 2am watching the building, so personally it affected me a bit different. Where did I put my phone? Anyway, um... so Dairy Queen for me... I was 18 when I first started there, just out of high school, and they gave me the chance to earn my own money, spend it how I want it, and also meet a bunch of people along the way-loyal customers, my co-workers turned into family. Anything I needed any time any day I could ask, anyone would help me. If they knew I needed extra hours they would work with me. Anything that I needed they were there. We've lost a lot of businesses here in Canton since I've grown up here – the Blackbird Café, Little Italy – not Little Italy, (mumbling) Hot Tamale, McDonalds. (non-understandable verbage)... and people would have memories of that. Dairy Queen was more than a place of memories for me. It was a second home, and I met some of the best people there and still the best people there, and I just appreciate that place.

MD: Thank you. Anybody else? OK, that will close this public hearing thank you for your comments.

Public hearing closed at 6:31pm.

Public Hearing- Mayor Dalton opened the Public Hearing at 6:32pm.

PLEASE TAKE NOTICE that the Canton Village Board of Trustees will hold a public hearing on Monday, April 29, 2019, in the Court Room of the Municipal Building at 60 Main Street, Canton, New York 13617, commencing at 6:15pm. The public hearing will consider and receive public comment regarding the proposed Village budget for fiscal year commencing June 1, 2019. The proposed budget provides for a tax levy which complies with the tax levy limit defined by General Municipal Law §3-c. This public hearing will also consider the adoption of a proposed local law to repeal Local Law #1 of 2019, which authorized a tax levy greater than the limit defined by General Municipal Law §3-c.

Mayor Dalton read the Budget Message:

This proposed budget represents a \$0.09/\$1,000 increase in the tax rate which is an increase of 0.90% from last year. The increase in the tax levy is 1.96%. This places us just under the 2% tax cap.

This budget takes into consideration several mandates. The State minimum wage will be increasing to \$11.80 this year. The Firefighter Cancer Insurance is included. AIM monies are now tied to sales tax. St. Lawrence County's distribution formula is percentage based this change could reflect in our sales tax revenues.

The proposal is for a 4% increase in the Village water / sewer rates at this time. We will continue to monitor expenses and revenues. We must pay back the monies owed to the General Fund from the Main Street improvements.

Taxable assessments increased by \$1,714,045 or 1% over last year. Of the total assessed value of property, \$485,768,930, in the Village, \$321,307,815 or 66.14% is exempt. This is a slight decrease in the percentage of tax-exempt properties over last year.

The Capital Equipment requests are outlined in Section 9 of the budget in the amount of \$575,752. This budget includes funding of \$519,752 for those requests. The funding for last year's items was \$583,897. This is a decrease of \$64,145. Paving projects scheduled for this year total \$123,842 up \$15,552 from last year's total of \$108,290. Most of this will be covered by CHIPS funding.

Mayor Dalton asked if there was any public comment.

Tom Jenison, 46 Goodrich St. commended the Board for keeping it under the 2% tax cap. He asked if the reduction for the roads CHIPS money? Superintendent Hallahan stated that the CHIPS money that was appropriated was \$105,000. The estimated was \$118,000. They did not do the winter recovery this year. The budget will approach the \$123,000 of Capital expenditures. We generally try to carry over \$10,000-\$12,000 to the next year.

Mayor Dalton stated that they are concerned about the negotiations that will take place later this year with the County with Sales Tax.

Mr. Jenison asked if there were any major spikes or decreases in the budget?

Mayor Dalton stated that there were several mandates that they had to hit.

- Minimum Wage increase

- Three Union contracts. Negotiations have started with two (PBA and CSEA) of them.
- Fire Fighter Cancer Insurance
- AIM money is being looked at and distributed.

Mr. Jenison asked about the study on the Municipal Building?

Mayor Dalton stated that an RFP was sent out by the Town with the Village's approval. The proposals have come back but have not been discussed. The study was on the needs of space, condition and how to move forward.

Mayor Dalton stated that part of the Public Hearing is repealing the Local Law #1 of 2019, which authorize to exceed the 2% tax cap. There was no public comment.

Public Hearing closed at 6:38pm.

Order of Business of Special Meeting- Mayor Dalton opened the Special Meeting at 6:40pm.

1. **CDBG Application for Dairy Queen-** Economic Developer Rodriguez stated that the application and minutes are due Friday, May 3rd. She will be accepting public comments until May 6th at 4:00pm. The comments will be sent to the State

Trustee O'Brien made a motion to allow Economic Developer Rodriguez to move forward with the CDBG Application for Dairy Queen. Trustee Pynchon seconded the motion.

Trustee Larrabee wanted to clear up the statement made during the Public Hearing regarding grant money is not free money. She stated that grant money is State funded. If not applied for the money will go across the state. She stated that they are here to help with grants.

All voted in favor. Motion carries.

2. **2019-20 Budget to include Water/Sewer Rates-** Trustee Pynchon made a motion to accept the 2019-20 Budget to include Water/Sewer Rates. Trustee Proemm seconded the motion. All in favor. Motion carries.
3. **Repeal Local Law #1 of 2019-** Trustee Pynchon made a motion to repeal Local Law # 1 of 2019. Trustee O'Brien seconded the motion. All voted in favor. Motion carries.
4. **Village-Christian Fellowship Center-** Mayor Dalton read the Resolution. He stated that the Resolution is up for discussion and review. Mayor Dalton stated that the Judge ruled in this case to provide the Church with a preliminary injunction and laid out a road map with how his ruling will go if it were to proceed, at this point he stated that in the best interest for the Village who served by settling and concluding the pending litigation.

Trustee Proemm made a motion to accept the Resolution to authorize Mayor Dalton to sign on behalf of the Village, a written Settlement Agreement with Christian Fellowship Center. Trustee Pynchon seconded the motion.

*RESOLUTION
April 29, 2019*

WHEREAS, Christian Fellowship Centers of New York, Inc. (*hereafter, CFC*) is the owner of property at 25 Court Street in the Village of Canton, New York, which is located in the C-1 (*Retail-Commercial*) District. On February 8, 2019, *CFC* commenced an action against the Village of Canton (*hereafter, Village*) in the United States District Court for the Northern District of New York (*Case #8:19-cv-00191-LEK-DJS*). On March 7, 2019, *CFC* filed a motion for preliminary injunction and declaratory relief. On March 29, 2019, Honorable Lawrence E. Kahn issued a Decision/Order which enjoined the Village from enforcing its zoning ordinance (*Village Code §325-11*) to prevent *CFC* from using 25 Court Street as a church. The Village filed an Answer to *CFC*'s complaint on April 16, 2019, and on April 25, 2019 it filed a Notice of Appeal from Judge Kahn's March 29th Decision/Order; and

WHEREAS, counsel for the Village have engaged in settlement discussions with counsel for *CFC*, and the Village Board of Trustees determines that the best interests of the Village are served by settling and concluding the pending litigation;

NOW, THEREFORE, it is hereby

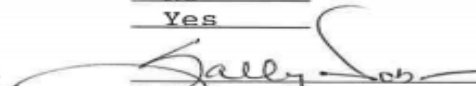
RESOLVED, that the Mayor is authorized to sign, on behalf of the Village, a written Settlement Agreement, approved by counsel for the Village, which will contain the following terms:

1. *CFC* has the right to use its property at 25 Court Street in the Village of Canton for church use, including religious assemblies like those permitted at other churches located on Court Street. In the event the Village changes its zoning code, and/or redefines the *C-1* District, *CFC*'s aforesaid use of its property at 25 Court Street will be considered a pre-existing non-conforming use.
2. The Village and/or its insurer will pay to counsel for *CFC* the sum of Sixty Thousand Dollars (\$60,000), representing full and final payment for all alleged damages, including legal fees and expenses in the federal proceeding;
3. *CFC* and/or its litigation counsel will execute and furnish to the Village a stipulation of discontinuance terminating the federal action with prejudice. *CFC* will issue a general release to the Village and its officers and employees, including members of the Village Planning Board and Zoning Board of Appeals.

The question of adoption of the foregoing resolution was duly put to a vote, as follows:

Mayor Michael Dalton	<i>VOTING</i>	<u>Yes</u>
Trustee Carol Pynchon	<i>VOTING</i>	<u>Yes</u>
Trustee Elizabeth Larrabee	<i>VOTING</i>	<u>Abstain</u>
Trustee Sean O'Brien	<i>VOTING</i>	<u>No</u>
Trustee Klaus Proemm	<i>VOTING</i>	<u>Yes</u>

The foregoing resolution was thereupon adopted.



Sally Noble, Village Clerk

Trustee Pynchon acknowledged the extraordinary efforts of Attorney Ducharme, Mayor Dalton and the Clerk's Office gathering information for the proceedings. The Judge gave us a road map and the road map was not the direction we wanted to go but it was very clear how it would be adjudicated. It is the best interest of the Village and Village Taxpayers to settle.

Trustee O'Brien opposed the resolution.

Trustee Larrabee stated that prior to legal proceedings she attended services, and she will abstain from the vote.

Motion carries.

DANC GIS Hosting Agreement- After Board discussion. Trustee O'Brien made a motion to approve the DANC GIS Hosting Agreement pending Attorney Ducharme's approval. Trustee Proemm seconded the motion. All voted in favor. Motion carries.

Trustee Pynchon made a motion to adjourn the meeting at 6:56PM. Trustee Proemm seconded the motion. All voted in favor. The motion carries.

Respectfully submitted,

Cara Adams
Deputy Clerk