**MINUTES OF THE MEETING OF THE TOWN BOARD**

TOWN OF SANDY CREEK
1992 HARWOOD DRIVE, PO BOX 52

SANDY CREEK, NEW YORK 13145-0052

**Date:** December 13, 2023

**Kind of Meeting:** Regular Meeting

**Place:** Sandy Creek Town Hall

**Board Members Present:** Ruth E. Scheppard  **Others Present:**

 Dave Warner Tammy L. Miller

 Nola J. Gove Brittany M. Washburn

 John W. Wood, Jr. Peggy Rice

 Bill Joyce

**Absent:** Timothy D. Ridgeway Jessica Godfrey

 Pat McDougal

 Charles Skellen

 Wayne Miller

 Pete Backus

 John Howland @ 7:14 pm

**CALL TO ORDER:**

Deputy Town Supervisor Ruth E. Scheppard called the meeting to order at 7:00 pm with the Pledge of Allegiance. Town Supervisor Timothy D. Ridgeway was absent this evening to attend a county emergency management meeting regarding the total eclipse on April 8, 2024.

**APPROVAL OF MINUTES:**

**RESOLUTION 124-23**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the minutes of the October 18th and 25th meetings and the November 1st and 8th meetings are approved as written.

**REPORTS:**

**Highway/Water Superintendent** - Michael C. Kastler was absent, so Deputy Supervisor Scheppard summarized his written report. The library has some building maintenance requests that Superintendent Kastler will work on fixing.

**RESOLUTION 125-23**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek approves quote #230586 from Alltech Integrations Corporation of Potsdam, NY for 6 outdoor cameras and installation for $3,340.71.

**RESOLUTION 126-23**

On motion by Nola J. Gove, seconded by Ruth E. Scheppard, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek agrees to renew the IMA for the renting, exchanging, or lending of highway machinery, tools, or equipment with or without operators and the IMAs for the following pieces of highway equipment: 2011 Sakai Roller, a 2014 Broce Road Broom, and a 2016 Ford Simtap Drilling Machine.

**RESOLUTION 127-23**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek will hold a special year-end meeting on December 28th at 4:30 pm.

**Sole Assessor** - Rebecca Trudell’s monthly report has been filed in the Town Clerk’s office. Deputy Supervisor Scheppard read her report aloud.

**Historian** - Peggy Rice filed a written report for November. She wrote a nice tribute to former volunteer Irene Fuller who passed away on November 22nd.

**Town Justice** - The monthly reports of the Town Justices have been received by the Town Supervisor.

**Legislator** - County Legislator Michael G. Yerdon was absent as his family made birthday plans for him.

**Library** - Library Director Jessica Godfrey was present to update the board on various activities at the Annie Porter Ainsworth Memorial Library. She passed out the December newsletter. December is a holiday theme. There will be a holiday cookie contest. The Build-A-Buddy workshops return. Children ages 12 and under will pick a buddy to stuff and wish on a star that they insert inside their buddy. There are 30 spots open on two different dates in December. The library will participate in the Light Up Lacona event at the farmers’ market site from noon to 2pm on December 16th. Ms. Godfrey thanked the Town Board for agreeing to pay for the new outdoor security cameras at the library.

**Planning Board** – Bill Joyce reported that the Sandy Creek Regional Planning Board denied the variance application for 64 Albro Tract as it does not comply with the local law for minimum lot size standards. He passed out a list of proposed amendments to the local solar law. If approved, solar companies will have multiple standards to comply with if they are using battery storage at their facilities. The planning board will send the proposals to Governor Hochul’s committee for review. It will likely cost solar companies a lot of money to comply with the new requirements. Mr. Joyce hopes to have some feedback on this at the next monthly meeting.

**Code Enforcement Officer** – John Howland’s list of permits and violations for November has been filed. The fire department responded to a vehicle fire twice in one day at the Kent property. He has three unlicensed vehicles on the property now. A new violation notice will be sent. An administrative hearing may need to be held in February. Councilman Wood reported trash piling up on the front porch of 2083 Lake Street in the village.

**Town Clerk** – Town Clerk Tammy Miller reported that the total receipts and disbursements for the month of November totaled $3,793.25 of which $1,407.57 was town revenue. The standardized notice form for providing a 30-day advance notice to a local municipality for a new application for an on-premises alcoholic beverage license was received from Jamie Norris of Ynotcha32, LLC for The Elms Golf Club.

**PUBLIC COMMENT – John Howland** is concerned about the town’s equalization rate being at only 65%. He provided the Town Board with comparison sheets of all the towns in the county of the last two years equalization rates and of the county tax rates by town. Generally, the lower the equalization rate falls, the higher the tax rates for county and school tax bills climb. The Town Board is looking into trending or a revaluation of property to help correct this problem.

**OLD BUSINESS –** The Town Board will hold a special meeting to complete the update to the employee handbook in January. The Town Board is still hoping to work with the union to get a water operator trainee hired. Amanda Mazzoni of CNYRPB needs to know the Town Board’s ideas for using the $5,000 clean energy grant before April. There will be a county shared services meeting on December 28th.

**RESOLUTION 128-23 - INTERMUNICIPAL FLOODPLAIN MANAGEMENT AGREEMENT**

On motion by Ruth E. Scheppard, seconded by Dave Warner, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek accepts the following:

 **THIS AGREEMENT** made as of the date of its execution by both parties is by and between OSWEGO COUNTY (“County”), a municipal corporation under the laws of the State of New York with offices at 46 East Bridge Street, Oswego, NY 13126, and the TOWN OF SANDY CREEK (“Town”), a municipal corporation under the laws of the State of New York, with offices at 1992 Harwood Drive, Sandy Creek, New York 13145.

**WHEREAS**, the Federal Emergency Management (“FEMA”) and the New York State Department of Environmental Conservation (“NYSDEC”) have promulgated regulations concerning the National Flood Insurance Program (“NFIP”), which, inter alia, requires towns to enact a local law adopting certain floodplain management regulations; and

**WHEREAS,** the local law shall include the designation of a “Local Administrator” as defined in such local law to administer and implement the provisions of the local law, including enforcement thereof; and

**WHEREAS**, the Town Board for the Town of Sandy Creek (“Town Board”) has adopted Local Law No. 3 of 2023, naming the Town of Sandy Creek Code Enforcement Officer, as the Local Administrator; and

**WHEREAS,** Oswego County personnel has trained in building code administration and enforcement activities and has the knowledge and expertise to administer and enforce the applicable floodplain management requirements; and

**WHEREAS**, Oswego County is willing and able to assist the Town of Sandy Creek by undertaking to act as the Local Administrator on behalf of the Town in accord with the Town’s floodplain local law (Local Law No. 3 of 2023); and

**WHEREAS**, the Town Board wishes to utilize the services offered by Oswego County to effectuate the purposes of Local Law No. 3 of 2023); and

**WHEREAS**, pursuant to Article 5-G of the General Municipal Law, Oswego County and the Town of Sandy Creek are authorized to enter into a municipal cooperation agreement with respect to the activities provided for herein; and

**NOW THEREFORE,** in consideration of the mutual promises set forth herein the parties agree as follows:

1. Oswego County agrees to act as Local Administrator for the Town of Sandy Creek under the Town’s Local Law No. 3 of 2023, which is incorporated herein by reference. Oswego County shall so act through its County Code Enforcement Office.
2. The Town Board of the Town of Sandy Creek designates Oswego County as its Local Administrator under the Town’s Local Law No. 3 of 2023 for floodplain management.
3. Oswego County and the Town of Sandy Creek, and their respective officials and employees, shall fully cooperate to effectuate the purposes of this Agreement and the underlying floodplain management program under the National Flood Insurance Program. Such cooperation shall include, but not be limited to, sharing information and data received from the federal and state governments, meeting as necessary to facilitate the efficient administration of the applicable programs, establishing procedures to identify personnel in each governmental unit who shall communicate information related to activities impacting floodplain issues within the Town of Sandy Creek.
4. The Town of Sandy Creek shall timely provide Oswego County with documents, data, maps, communications from the federal and state agencies, and related information concerning the floodplain management program.
5. This Agreement shall commence upon its full execution by both parties and continue through December 31, 2024, and shall be automatically renewed for each calendar year thereafter unless terminated as provided herein.
6. Each party shall have the right to terminate this Agreement upon one hundred and twenty (120) days advance written notice to the other. Such notice shall be served by personal delivery or certified mail to the address set forth above.
7. The Town of Sandy Creek shall save and hold harmless Oswego County, and shall assume all risk and liability for damage to persons or property and for claims arising from the performance of this Agreement, excepting the negligence of Oswego County.

**NEW BUSINESS**

**RESOLUTION 129-23**

On motion by Ruth E. Scheppard, seconded by Dave Warner, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek accepts and authorizes Town Supervisor Timothy D. Ridgeway to sign the 1-year agreement with Bureau Veritas National Elevator Inspection Services, Inc.

**RESOLUTION 130-23- SCHEDULING PUBLIC HEARING FOR LOCAL LAW NO. 4 OF 2023**

The following resolution as drafted and proposed by the Attorney for the Town, was moved, seconded and adopted:

**WHEREAS**, The New York State Legislature has, heretofore, amended the Real Property Tax Law (“RPTL”) to authorize municipalities to permit enrolled volunteer firefighters and volunteer ambulance workers to be eligible for a real property tax exemption as is more particularly set forth in RPTL §466-a which became effective as of December 9, 2022; and

**WHEREAS,** RPTL §466-a, inter alia, allows for volunteers with five (5) years of qualifying service to apply for a tax exemption which will increase the number of eligible volunteers over existing law; and

**WHEREAS**, the Town Board recognizes the role of volunteer firefighters and ambulance workers in securing the safety and well-being of our communities, and believes it to be in the best social and economic interests of the Town of Hastings to encourage volunteerism for said purposes; and

**WHEREAS,** by providing such exemption, and by making it available to a larger pool of volunteers, the Town Board believes it will encourage volunteers to join the various fire and ambulance companies within the Town of Hastings; and

**WHEREAS**, the Town Board believes it would be appropriate to set a public hearing to consider such legislation, and as contained in proposed Local Law No. 1 of 2024; and

**NOW THEREFORE,** **IT IS HEREBY RESOLVED,** that the Town Board of the Town of Sandy Creek shall hold a public hearing on January 10, 2024 at 6:00 p.m. to consider Local Law No. 1 of 2024 allowing eligible volunteer firefighters and volunteer ambulance workers to receive a real property tax exemption under Real Property Tax Law §466-a; and it is further

The adoption of the foregoing Resolution was moved by Ruth E. Scheppard, and seconded by John W. Wood, Jr., the foregoing resolution was put to a roll call, which resulted as follows:

Timothy Ridgeway, Supervisor Absent

Ruth E. Scheppard, Councilperson Aye

 Nola J. Gove, Councilperson Aye

 Dave Warner, Councilperson Aye

 John W. Wood, Jr., Councilperson Aye

**RESOLUTION 131-23**

On motion by Ruth E. Scheppard, seconded by Dave Warner, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek appoints Charles R. Skellen to the position of Board of Appeals member to fill the vacancy left by the resignation of Norma Newman with a term expiring 12/31/2027.

**RESOLUTION 132-23**

On motion by Dave Warner, seconded by Nola J. Gove, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek approves the fire protection agreements with the Village of Lacona for 2024 for a total cost of $80,000.00 and with the Village of Sandy Creek for a total cost of $157,000.00.

**RESOLUTION 133-23**

On motion by Dave Warner, seconded by Nola J. Gove, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek approves the Williamson Law Book Payroll and Water Software Support Contracts for December 1, 2023 – November 31, 2024 for $1,001.00 and $1,769.00 respectively.

The new CEHA variance application came in this afternoon. It is over 600 pages. The Town Board needs to review it and tabled its approval until the December 28th meeting.

Councilman Warner stated that the algal study concluded that the growth was due to sewage. He would like the Town Board to revisit a sewer project. He also spoke about consulting with an expert on solar projects.

**TRANSFER OF FUNDS**

**RESOLUTION 134-23**

On motion by Ruth E. Scheppard, seconded by John W. Wood, Jr. the following resolution was

ADOPTED - 4 Ayes Gove, Scheppard, Warner, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek authorizes the following transfers of funds:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| FROM Line # | Description | TO Line # | Description | $ Amount |
| From: A7110.4 | Parks Contractual | To: A1355.4 | Assessment Contractual | $45.07 |
| A7110.4 | Parks Contractual | A1430.1 | Clerk to Supervisor | $30.57 |
| A7110.4 | Parks Contractual | A1620.111 | Town Hall Mowing | $72.00 |
| A7110.4 | Parks Contractual | A4540.4 | NOCA | $0.01 |
| A7110.4 | Parks Contractual | A9710.7 | Serial Bonds | $75.92 |
| A688 | ARPA | A1380.4 | Fiscal Agent, ARPA | $680.00 |
| A1640.4 | Town Barn Contractual | A1640.1 | Highway Boots | $135.00 |
| B909 | Unreserved Fund Balance | B8090.4 | Environmental Control, HAB  | $16,722.80 |
| DB9010.8 | State Retirement | DB9060.8 | SS/Medicare | $4,820.29 |
| DB9010.8 | State Retirement | DB5112.2 | Perm Improv/Equip | $1,419.14 |
| DB9010.8 | State Retirement | DB5110.2 | Gen Repairs/Equip | $4,172.27 |
| DB9010.8 | State Retirement | DB5110.1 | Personal Services | $1,287.76 |
| SW1-8397.43 | Tower/Storage | SW1-8397.4 | Misc Equipment | $747.48 |
| SW2-1990.4 | Contingent | SW2-1910.4 | Insurance | $1.20 |
| SW2-1990.4 | Contingent | SW2-8320.4 | Source of Supply | $240.84 |
| SW3-8340.11 | Trainee | SW3-8310.4 | Administration | $1,915.22 |
| SW3-8340.11 | Trainee | SW3-8340.4 | Operator Contractual | $827.16 |
| SW3-8340.11 | Trainee | SW3-8397.4 | Miscellaneous | $3,453.41 |
| SW3-8340.11 | Trainee | SW3-9010.4 | NYS Retirement | $0.60 |

The Town Board agreed to hold regular meetings in 2024 on the second Wednesday of each month at 6 pm.

Peggy Rice mentioned that the town’s website needs reviewing and updating. There was a discussion about adding the meeting agendas to the website a week in advance.

**RESOLUTION 135-23**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, the following resolution was

ADOPTED - 4 Ayes Gove, Warner, Scheppard, Wood

 0 No

 1 Absent Ridgeway

**Resolved** that the bills be paid on Abstract #22 in the following amounts:

General Fund $ 26,731.80

Highway Fund $ 49,421.35

Water District #1 $ 4,188.25

Water District #2 $ 837.65

Water District #3 $ 3,350.60

Trust & Agency $ 19,558.19

**And** on Abstract #23 in the following amounts:

General Fund $ 41,030.46

Highway Fund $ 24,896.38

Water District #3- H3 $ 7,748.28

Water District #1-SW $ 68,803.41

Water District #2-SW $ 496.50

Water District #3-SW $ 44,429.01

Trust & Agency $ 14,334.29

**RESOLUTION 136-23**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, the following resolution was

ADOPTED - 4 Ayes Scheppard, Wood, Gove, Warner

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek will enter executive session at 7:55 pm for the purpose of discussion of current litigation with Creekside Associates. Town Clerk Miller and Deputy Clerk Washburn were invited to stay.

**RESOLUTION 137-23**

On motion by Ruth E. Scheppard, seconded by John W. Wood, Jr., the following resolution was

ADOPTED - 4 Ayes Scheppard, Wood, Gove, Warner

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek will exit executive session at 8:15 pm.

**RESOLUTION 138-23**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, the following resolution was

ADOPTED - 4 Ayes Scheppard, Wood, Gove, Warner

 0 No

 1 Absent Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek will settle with Creekside Associates of CNY, L.P. and Oswego Housing Development Council, Inc. for a reduced 2023 assessment of $200,000 with the stipulation that annual financial records are filed with the town going forward so the correct assessment can be calculated using the appropriate formula.

Supervisor Ridgeway will speak with Attorney Militello on December 14th.

The next regular monthly meeting will be held January 10th at 6 pm

**On motion** by Ruth E. Scheppard, and seconded by Nola J. Gove, and carried unanimously, the meeting was adjourned at 8:19 pm.

Respectfully submitted,

Tammy L. Miller, RMC

Town Clerk