**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:** January 10, 2024

**Kind of Meeting:** Organizational & Regular Meeting & Public Hearing

**Place:** Town Hall

**Board Members Present:** Timothy D. Ridgeway  **Others Present:**

 Ruth E. Scheppard Tammy L. Miller

 John W. Wood, Jr. Michael Kastler

 Brittany M. Washburn

**Absent:** Nola J. Gove Meg Sprague

 Dave Warner John Howland- left @ 6:11 pm

 Bill Joyce

 Wayne Miller

**CALL TO ORDER:**

Town Supervisor Timothy D. Ridgeway called the meeting to order at 6:00 pm with the Pledge of Allegiance and then opened the public hearing on Town of Sandy Creek Local Law No. One (1) of the year 2024, a local law allowing eligible volunteer firefighters and volunteer ambulance workers to receive a real property tax exemption under Real Property Tax Law §466-a. No one spoke for or against the local law. Supervisor Ridgeway closed the hearing at 6:01 pm and called the organizational meeting to order. Councilman Scheppard began by reading the Official Undertaking resolution.

**RESOLUTION 01-24**

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

**ADOPTED** – 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**RESOLVED** that the Town Board of the Town of Sandy Creek adopts the following Official Undertaking resolution:

 **WHEREAS**, Timothy D. Ridgeway, of the Town of Sandy Creek, County of Oswego, New York, has been elected to the office of Supervisor of the Town of Sandy Creek; and

 **WHEREAS**, Nola J. Gove of the Town of Sandy Creek, County of Oswego, New York, has been elected to the office of Town Council Member of the Town of Sandy Creek; and

 **WHEREAS**, Austin D. Warner of the Town of Sandy Creek, County of Oswego, New York, has been elected to the office of Town Council Member of the Town of Sandy Creek; and

**NOW, THEREFORE**, we as respective officers above, do hereby undertake with the Town of Sandy Creek that we will faithfully discharge the duties of our office, and will promptly account for all moneys or property received as a Town Officer, in accordance with the law; and the Town does and shall maintain insurance coverage, presently with National Grange Mutual, in the sum of $100,000 plus an additional $50,000 for the Supervisor and $100,000 for the Town Clerk/Tax Collector to indemnify against losses through the failure of the officers, clerks and employees covered hereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered hereunder.

**RESOLUTION 02-24**

On motion by Ruth E. Scheppard, seconded by Timothy D. Ridgeway, the following resolution was

ADOPTED – 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**RESOLVED** that the Town Board of the Town of Sandy Creek makes the following appointments with terms to expire on December 31, 2024, unless otherwise stated:

Attorney for the Town:Courtney M Hills

Code Enforcement Officer: John H. Howland

Dog Control Officer: Anne E. Derr

Town Constables: Michael S. Morrison, Constable-in-Charge

 Michael D. Wood

Town Historian Peggy A. Rice

Records Management Clerk Peggy A. Rice

SC Regional Planning Board: Patricia Machemer- term expires 12/31/2026

APAM Library Trustee: Odett Ferguson- term expires 12/31/2028

Official Newspaper: *Watertown Daily Times*

**RESOLUTION 03-24**

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

ADOPTED – 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**Resolved** that the Town of Sandy Creek accepts the state or county or school district bid for gas, oil, and fuel; accepts the state or county bid for road building materials; establishes the salaries of the elected and appointed officials of the Town of Sandy Creek as put forth in the adopted budget for the year 2024; sets the mileage rate for 2024 at 67¢ per mile; approves town officials attending the Association of Towns meeting in February and other respective schools; and that regular town board meetings will be held at 6:00 PM on the second Wednesday of each month at the Town Hall, 1992 Harwood Drive.

The organizational meeting was closed and the regular monthly meeting was opened.

**APPROVAL OF MINUTES:**

**RESOLUTION 04-23**

On motion by Ruth E. Scheppard, seconded by Timothy D. Ridgeway, the following resolution was

ADOPTED - 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**Resolved** that the minutes of the December 13h meeting are approved as written.

**REPORTS:**

Code Enforcement Officer – John Howland’s report for 2023 is on file in the Town Clerk’s office. There were 108 building permits issued, which is above average. He reported that the 3 vehicles are gone from the Kent property. However, the property is now on the list for delinquent taxes. He is considering retirement at the end of April.

Highway/Water Superintendent – Michael C. Kastler read his highway and water department reports. Prosachik Law has sent a final invoice for the water project. There have been some staffing changes in the Town of Richland’s water department.

Sole Assessor- Rebecca Trudell’s monthly report has been filed in the Town Clerk’s office. Supervisor Ridgeway read her report. A help wanted ad will be placed for a part-time clerk in the Assessor’s department.

Dog Control Officer – Anne Derr prepared a report for the Town Board and it is filed in the Town Clerk’s office.

Town Justice- The monthly reports of the Town Justices have been received by the Town Supervisor. Annual audits are due January 20th.

Legislator – County Legislator Michael G. Yerdon asked to be excused tonight due to the bad weather.

Library – Library Director Jessica Godfrey was absent. She emailed her report.

NOCA – Northern Oswego County Ambulance representative Nancy Dingman emailed a report. They are wondering if board members not acting as first responders qualify for the tax exemption.

Planning Board – Bill Joyce reported that all members completed NYMIR Harassment and Discrimination training for 2024. He said it is different, but better this year. A flower shop plans to open soon on S. Main St in the village. The planning board has scheduled a special meeting on January 18th at 7 pm to discuss the site plan modification. The Tug Hill Commission is the only one that provided feedback on the proposed changes to the solar law. He will now forward it to the attorney for review.

Town Clerk – Tammy Miller reported that receipts and total disbursements for the month of December totaled $2,873.25 of which $1,532.88 was town income. The 2023 Annual Report shows $36,890.00 was collected. Seventy-six parking hang tags were issued, and many documents were notarized. These reports are on file in her office and available for public inspection. Information on the 2024 Training School and Annual Meeting of the Association of Towns is available in the Town Clerk’s office. It will be held February 18th – 21st in NYC. The Town Clerk’s, Tax Collection and the Water Clerk’s books need to be audited for 2023. The office is very busy with tax collection. The 2024 NYS Tug Hill Commission Annual Local Government Conference will be held May 2nd at Turning Stone Event Center. Town officials need to give their class choices to the Town Clerk’s office before March 13th to have the town pay the registration fee directly.

**PUBLIC COMMENT:** There was none at this time.

**OLD BUSINESS:** The special meeting on the employee handbook will be rescheduled to January 24th at 4:30 pm.

**RESOLUTION 05-24**

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

ADOPTED – 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**RESOLVED** that the Town Board of the Town of Sandy Creek approves the CEHA variance application entitled Town of Sandy Creek Water Service Area No. 3 Extension No. 1 Joint Application for Permit December 2023.

The Clean Energy Community $5,000 grant project was discussed and the board is interested in replacing a boiler or the hot water tank.

**NEW BUSINESS:**

**RESOLUTION 06-24**

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

ADOPTED – 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**RESOLVED** that the Town Board of the Town of Sandy Creek approves the Financial Advisory Services Agreement Amendment, Appendix B- Fee Schedule, amending the not-to-exceed budget fee to $30,500 from $27,000.

**RESOLUTION 07-24**

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

ADOPTED – 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**RESOLVED** that the Town Board of the Town of Sandy Creek approves the USDA-Rural Development Engineering Agreement Attachment Amendment No. 5 with Barton & Loguidice, D.P.C. for an increase of $24,000.

**RESOLUTION 08-24**

The following resolution was offered by Supervisor Ridgeway, who moved its adoption, seconded by Councilwoman Scheppard, to‑wit:

**RESOLUTION OF THE TOWN BOARD,** TOWN OF SANDY CREEK, OSWEGO COUNTY, NEW YORK, accepting Revisions to the “Town of Sandy Creek and Richland Joint Water Project”, Capital Project as administered through USDA Rural Development. The Town Board hereby modifies the following Administrative and Construction Direct Expenditures budget items to the upcoming Form E #26:

**A.2:** Legal – Prosachik Law Firm, LLP – move $62,297.90 to contingency;

**A.5:** Fiscal Coordination – move $3,500 from contingecy to budget line;

**B.1g:** Engineering – Resident Project Representative (RPR) - move $312.11 to contingency from budget line;

**B.1h:** Engineering – Additional Services - move $24,312.11 from contingency;

**C.2e:** Direct Expenditures – Spare Parts – Blair Supply Corp – move $3,987.46 from contingency to budget line.

The reason for these modifications is to close out legal services line for Prosachik Law Firm, LLP; increase Fiscal Coordination for additional adminstrative work needed for the the NYSEFC refunding of the USDA-RD bonds; close out of the RPR Engineering line; increase additional services for ROW and funding assistance; and increase direct expenditures for spare parts (Blair Supply Corp) needed to complete project.

tHis BUDGETARY modification RESULTED IN a TOTAL INCREASE of CONTINGENCy BY $30,810.44, making total CONTINGENCY, $60,335.02 on the upcoming form E #26.

**WHEREAS**, the Town of Sandy Creek, Town Board has reviewed the Form E Capital Outlay Budget category and,

**NOW, THEREFORE**, THE TOWN OF SANDY CREEK, TOWN BOARD HEREBY RESOLVES AS FOLLOWS:

The following vote was taken and recorded in the public or open session of said meeting:

Timothy D. Ridgeway, Supervisor VOTING AYE

Ruth E. Scheppard, Councilwoman VOTING AYE

John W. Wood, Jr., Councilman VOTING AYE

Nola J. Gove, Councilwoman ABSENT

Dave Warner, Councilman ABSENT

**The resolution was thereupon declared duly adopted.**

**RESOLUTION 09-24**

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

ADOPTED – 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**RESOLVED** that the Town Board of the Town of Sandy Creek authorizes Town Supervisor Timothy D. Ridgeway to sign Form E Report #26.

**RESOLUTION 10-24 -** **Local Law No. One (1) of the year 2024**

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

ADOPTED – 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**RESOLVED** that the Town Board of the Town of Sandy Creek adopts Town of Sandy CreekLocal Law No. One (1) of the year 2024.

**A local law allowing eligible volunteer firefighters and volunteer ambulance workers to receive a real property tax exemption under Real Property Tax Law §466-a**.

Be it enacted by the Town Board of the Town of Sandy Creek as follows:

**Section One (1).** **Statutory Authority.**

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.

**Section Two (2). Legislative Intent and Purpose.**

RPTL §466-a, inter alia, allows for volunteers with two (2) years of qualifying service to apply for a tax exemption which will increase the number of eligible volunteers over existing law. The Town Board recognizes the role of volunteer firefighters and ambulance workers in securing the safety and well-being of our communities. The Town Board hereby finds that it is in the best social and economic interests of the Town of Sandy Creek to encourage volunteerism for said purposes. To that end, by providing the following exemption, and by making it available to a larger pool of volunteers, it is the intent to encourage volunteers to join the various fire and ambulance companies within the Town of Sandy Creek.

**Section Three (3). Exemption Granted.**

1. Real property owned by and enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town of Sandy Creek shall be exempt from taxation to the extent ten percent (10%) of the assessed value of such property for Town purposes, exclusive of special assessments.
2. Application for such exemption shall be filed with the Town Assessor on or before the taxable status date on a form prescribed by the Commissioner of the New York State Department of Taxation and Finance Office of Real Property Tax Services.
3. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing within the Town of Sandy Creek unless:
4. The applicant resides in the Town of Sandy Creek which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which has a service area within the Town of Sandy Creek;
5. The property is the primary residence of the applicant;
6. The property is used exclusively for residential purposes; provide however, that in the event any portion of such property is not used exclusively for the applicant’s residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this local law.
7. The applicant is an enrolled member with such volunteer fire company or volunteer fire department or incorporated voluntary ambulance service, and has served a minimum of two (2) years of volunteer service with either such volunteer fire company or volunteer fire department or incorporated voluntary ambulance service or other volunteer fire companies or volunteer fire departments or incorporated voluntary ambulance services that serve outside the Town of Sandy Creek.
8. The incorporated volunteer fire company or fire department or incorporated voluntary ambulance service has submitted to the Town Assessor a complete list of enrolled members, with their respective dates of service for such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service. The Town Assessor shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption.
9. Any enrolled member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service who accrues more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department or incorporated voluntary ambulance service, shall be granted the ten (10) percent exemption as authorized by RPTL §466-a for the remainder of his or her life as long as his or her primary residence is located within the Town of Sandy Creek.
10. Un-remarried Spouses of Volunteer Firefighters or Volunteer Ambulance Workers Killed in the Line of Duty: An exemption by an enrolled member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service, to such deceased enrolled member’s un-remarried spouse may be continued or re-instated if such member is killed in the line of duty; provided, however, that:
11. Such un-remarried spouse is certified by Town Assessor as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service, who was killed in the line of duty; and
12. Such deceased volunteer had been an enrolled member for at least two (2) years; and
13. Such deceased volunteer had been receiving the exemption prior to his or her death.
14. Un-remarried Spouses of Deceased Volunteer Firefighters or Volunteer Ambulance Workers: An exemption by an enrolled member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service may be continued or re-instated to such deceased enrolled member’s un-remarried spouse; provided, however that:
15. Such un-remarried spouse is certified by the Town Assessor as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service.
16. Such deceased volunteer had been an enrolled member for at least twenty years; and
17. Such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of the volunteer.

**Section Four. Existing Exemptions Preserved.**

No applicant who is a volunteer firefighter or volunteer ambulance worker who by person of such status is receiving any benefit under the provisions of New York Real Property Tax Law Article 4 as of the date of adoption of this local law shall suffer any diminution of such benefit because of the provisions of RPTL §466-a.

**Section Five (5). Severability/Validity.**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

**Section Six (6). Effective Date.**

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State and shall apply to assessment rolls prepared on the basis of a taxable status date of March 1, 2024 and thereafter.

The Town Clerk will place a help-wanted advertisement for a part-time Clerk to the Assessor.

**TRANSFER OF FUNDS**

**RESOLUTION 11-24**

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

ADOPTED - 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Ridgeway

**Resolved** that the Town Board of the Town of Sandy Creek authorizes the following transfers of funds needed for the close of 2023:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| FROM Line # | Description | TO Line # | Description | $ Amount |
| A1355.2 | Assessment Contractual | A1355.11 | Clerk to Assessor | 729.27 |
| A1110.121 | Court Clerk | A1355.4 | Assessment Contractual | 1370.32 |
| A1430.4 | Clerk to Superv. Contr. | A1430.1 | Clerk to Supervisor | 1451.52 |
| A1620.42 | Town Hall Utilities | A1620.4 | Town Hall Contractual | 75.01 |
| A7410.46 | Library Building | A7410.4 | Library Contractual | 306.00 |
| B8666.4 | Demolition | B8090.4 | Envirn. Control-HAB | 5020.65 |
| DA5142.1 | Snow Removal Personal Services | DA5142.4 | Snow Removal Contractual | 6995.02 |
| DB5140.1 | Bush & Weeds Personal Services | DB5130.4 | Machinery Contractual | 2093.44 |
| SW1-8397.22 | Sunset Lane | SW1-8320.4 | Source of Supply | 16769.07 |
| SW1-8340.11 | Trainee | SW1-8340.4 | Water Operator Contractual | 598.85 |
| SW1-8397.43 | Tower & Storage | SW1-8397.4 | Miscellaneous Equipment | 137.89 |
| SW3-8397.2 | METERS & EQUIPMENT | SW3-8320.4 | SOURCE OF SUPPLY | 4950.38 |
| SW3-8397.2 | METERS & EQUIPMENT | SW3-8310.4 | ADMINISTRATION | 712.80 |
| SW3-8397.2 | METERS & EQUIPMENT | SW3-8340.1 | WATER OP, PERSONAL SERVICES | 370.91 |
| SW3-8397.2 | METERS & EQUIPMENT | SW3-8340.4 | WATER OP, CONTRACTUAL | 302.94 |
| SW3-8397.2 | METERS & EQUIPMENT | SW3-8397.4 | MISCELLANEOUS | 104.46 |

**APPROVAL OF BILLS**

**RESOLUTION 12-24**

On motion by Ruth E. Scheppard, seconded by Timothy D. Ridgeway, the following resolution was

ADOPTED - 3 Ayes Ridgeway, Scheppard, Wood

 0 No

 2 Absent Gove, Warner

**Resolved** that the bills be paid on Abstract #1 in the following amounts:

General Fund $ 11,689.54

Highway Fund $ 17,781.91

Water District #3- H3 $ 11,698.50

Water District #1-SW $ 2,425.85

Water District #2-SW $ 298.35

Water District #3-SW $ 1,419.74

Trust & Agency $ 9,395.88

A special meeting with the Town of Richland will be held here in February at a date to be determined. The next regular monthly meeting will be held February 14th at 6 pm.

**On motion** by Timothy D. Ridgeway, seconded by John W. Wood, and carried unanimously, the meeting was adjourned at 6:56 pm.

Respectfully submitted,

Tammy L. Miller, RMC

Town Clerk