**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:** November 8, 2023

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

**Place:** Sandy Creek Town Hall

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

 Dave Warner Micheal C. Kastler

 Nola J. Gove Tammy L. Miller

 Ruth E. Scheppard Brittany M. Washburn

John W. Wood, Jr. Meg Sprague

 Michael G. Yerdon, Legislator

 Peggy Rice

 Bill Joyce

 Ron Fisher

 Jessica Godfrey

 Eric Pappa

 Jill Mattison

 Peggy Daniels

 Dr. Andrew Brainard

 Piper Lapham

 John Howland @ 7:03 pm

 Pat McDougal @7:27 pm

**CALL TO ORDER:**

Supervisor Timothy D. Ridgeway called the meeting to order at 7:00 pm with the Pledge of Allegiance and then opened the public hearing on the 2024 preliminary budget and fire protection contracts with the Villages of Lacona and Sandy Creek. **Jill Mattison** spoke about the budget stating that the Town Board cannot keep accumulating money. They haven’t funded reserves in the last couple of years. Councilman Scheppard stated that the board plans to fund the reserves next spring with unallocated fund balances. Mrs. Mattison stated that the DB and SW funds are short, and the budget is only rolling over a fraction of the funds left. She questioned Superintendent Kastler on the increase in the highway budget. He responded that the increase is for salt and sand. He also assured her that there is enough money to cover the next employees’ retirement pay-outs. She asked why the WD#3 EDU rate was so high. Superintendent Kastler explained that the budget was worked on recently and the latest rate is coming in around $500 per EDU, well below the projected rate. Mrs. Mattison also stated that the CEHA funds should be moved to the Trust & Agency account. **Ron Fisher** thanked the town officials for their time and work on the budget. He has attended most of the budget meetings and thanked everyone for responding to questions and working to lower the WD#3 tax rate. Supervisor Ridgeway closed the hearing at 7:09 pm.

**RESOLUTION 117-23 - APPROVAL OF 2024 BUDGET & FIRE CONTRACTS**

On motion by Dave Warner, seconded by Timothy D. Ridgeway, the following resolution was

ADOPTED - 5 Ayes Ridgeway, Scheppard, Wood, Gove, Warner

 0 No

**Resolved** that the Town Board of the Town of Sandy Creek adopts the Town Budget for 2024 for the Town of Sandy Creek including the tax levy amounts under the fire protection contracts for 2024 with the Village of Lacona and the Village of Sandy Creek.

Ron Fisher introduced Andrew Brainard, Ph.D., Aquatic Ecologist of Upstate Freshwater Institute. He was present to give a summary presentation of the North Sandy Pond Management Plan. He reviewed data collected from water samples analyzed in 2022 and 2023 for phosphorus, nitrogen, and the algal toxin, microcystin. Some samples did have elevated levels of the cyanobacterial toxin microcystin above the World Health Organization acute toxicity threshold. He concluded that the tributaries are not a significant contributor of these nutrients in Sandy Pond, so agriculture is not adversely affecting the pond with high concentrations of nutrients for algal growth. The watershed appears to be the main source. Septic systems within 2000 feet of the shoreline likely provide half of the dissolved phosphorus that algae need to grow. Unfortunately, there is no data on the seasonal population effect. The algal toxins usually cause harm to people and pets by swallowing. However, they can cause skin rashes and can be airborne. A public sewer system or aggressive septic system management is recommended to reduce nutrient loading. Dredging the channel may help water quality by increasing the water flow. It is important to get this information to the public. An information campaign beginning in the spring would be helpful. Mr. Fisher asked the board to review the 38-page North Sandy Pond Management Plan dated October 2023 prepared by UFI.

**RESOLUTION 118-23**

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

ADOPTED - 5 Ayes Ridgeway, Scheppard, Wood, Gove, Warner

 0 No

**Resolved** that the Town Board of the Town of Sandy Creek accepts and authorizes Town Supervisor Timothy D. Ridgeway to sign the 2024 Agreement between the Town of Sandy Creek and Upstate Freshwater Institute.

**APPROVAL OF MINUTES:**

**RESOLUTION 119-23**

On motion by Dave Warner, seconded by Timothy D. Ridgeway, the following resolution was

ADOPTED - 5 Ayes Ridgeway, Gove, Warner, Scheppard, Wood

 0 No

**Resolved** that the minutes of the October 4th and 11th meetings are approved as written.

**REPORTS:**

**Highway/Water Superintendent** - Michael C. Kastler read his highway report. All water bills have been mailed. The IMAs for all water districts need to be reviewed. We are working on long-term financing with EFC for the water project. Richland Town Supervisor Kern Yerdon presented a signed agreement on November 2nd and asked Supervisor Ridgeway to sign it. He refused to sign without board approval. We will need to meet with Richland’s Town Board in 2024. We currently have an overstock of meter pits and may be able to sell some to Orwell.

**Sole Assessor** - Rebecca Trudell’s monthly report has been filed in the Town Clerk’s office.

**Dog Control Officer** - Anne Derr’s monthly report has been filed in the Town Clerk’s office.

**Historian** - Peggy Rice filed a written report for October.

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

**Legislator** - County Legislator Michael G. Yerdon reported that the county legislature is working on their 2024 budget. They will have a shortage of revenue because NYS has decided to keep all federal Medicaid funding rather than give the counties their share. They also need to increase funding for foster care and medical services in the jail. The cost of NYS Retirement has also increased. These are a few examples of the state mandates and rising costs creating challenges for the legislators to balance the budget. Superintendent Kastler would like the county to help with septic system testing around the pond and would hope Jefferson County could help on their end of the pond as well. Jill Mattison commented on the growing number of Airbnbs at the pond.

**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 November newsletter. She thanked Historian Peggy Rice for her local history presentation at the library on November 3rd. The last presentation will be on the Big Cheese on November 17th by Terry Rossman. Dawn Seevers will be doing a snowman needle felting class on November 18th. Ms. Godfrey is interested in hosting floral arranging workshops in the future. The library has a cookbook club and would like to have a book club again, possibly on Thursdays at 4:30 pm. Ira Marcks will hold a workshop at 3:30 pm and book signing at 5:30 pm on November 9th. There have been many first-time visitors at the library lately.

**Planning Board** – Bill Joyce reported that the town’s solar law was reviewed at the November 1st meeting of the Sandy Creek Regional Planning Board. Currently there are no solar facilities in the town with battery storage on-site. However, it would be wise to include some new language in the law for future development. A list of requirements by the solar company were discussed as follows: training our fire departments; providing proper fire fighting equipment; paying for the cost of water and foam to fight a fire; making MSDS sheets available; providing access to site gates; regularly updating contact information; snow removal; and remediation. Superintendent Kastler said that the county fire coordinator may help facilitate training.

**Code Enforcement Officer** – John Howland’s list of permits and violations for October has been filed. We will likely have over 100 permits this year. A variance application has been submitted by Gretchen P. Cochrane to build a new home and garage on a piece of property that doesn’t meet minimum lot size requirements under local law. CEO Howland spoke with the Oswego County Fire Coordinator. There are nine solar farms in the area. The one on Lehigh Road has battery storage and on St Rt 13 National Grid has a battery storage site. Both of these are in the Town of Richland. The county plans to hold a training soon. He updated the board on the Kent property. A list of legal costs for the Kent code violation is needed. He also issued a junk code violation for the Catania property.

**Town Clerk** – Town Clerk Tammy Miller reported that the total receipts and disbursements for the month of October totaled $4,644.00 of which $3,168.16 was town revenue.

**RESOLUTION 120-23**

Timothy D. Ridgeway presented the following resolution and moved that it be adopted:

**REFUNDING BOND RESOLUTION OF THE TOWN OF SANDY CREEK DATED NOVEMBER 8, 2023 AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS, STATING THE PLAN OF REFUNDING, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $11,145,000 REFUNDING BONDS AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, the Town of Sandy Creek, Oswego County, New York (the “Town”) has heretofore duly issued (a) $9,356,500 aggregate principal amount of a Statutory Installment Bond, 2023 (Loan 1), such bond being dated January 6, 2023 and maturing in annual installments in each of the years 2023 to 2058, both inclusive (the “2023A Rural Development Bond”), and (b) $2,000,000 aggregate principal amount of a Statutory Installment Bond, 2023 (Loan 2), such bond being dated January 6, 2023 and maturing in annual installments in each of the years 2023 to 2058, both inclusive (the “2023B Rural Development Bond”, and together with the 2023A Rural Development Bond, collectively, the “Rural Development Bonds”), as more fully described therein; and

WHEREAS, the Rural Development Bonds were authorized pursuant to a bond resolution dated March 14, 2018, as supplemented on October 13, 2021, and were issued to finance the costs of the construction of an inter-municipal water distribution system for Water Service Area No. 3 within the Town of Sandy Creek and Water Service Area No. 5 within the Town of Richland; and

 WHEREAS, Section 90.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, permits the Town to refund all or a portion of the outstanding principal balance of the Rural Development Bonds by the issuance of new bonds provided such issuance will result in present value debt service savings for the Town; and

 WHEREAS, the Town Board has determined that the refunding of the Rural Development Bonds is a Type II action for purposes of the State Environmental Quality Review Act (“SEQRA”) and requires no further action under SEQRA; and

 WHEREAS, the Town Board deems it in the public interest to refund the Rural Development Bonds as described below by the issuance of refunding bonds pursuant to the Local Finance Law and now desires to authorize the issuance of bonds to achieve such refunding;

 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SANDY CREEK, NEW YORK, AS FOLLOWS:

 Section 1. The Town Board of the Town hereby authorizes to be issued refunding bonds of the Town in the aggregate principal amount not to exceed $11,145,000 (the “Refunding Bonds”) pursuant to Section 90.00 of the Local Finance Law, the proceeds of which will be used by the Town to refund the Rural Development Bonds. The Refunding Bonds shall be designated “Town of Sandy Creek $11,145,000 Public Improvement (Refunding) Bonds, Series 2023” or as the Town Supervisor, as the chief fiscal officer of the Town, shall otherwise determine. The Refunding Bonds may be issued as serial bonds and/or term bonds, and the authority to determine whether serial bonds or term bonds, or a combination of serial bonds and term bonds, shall be issued is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

 Section 2. Attached hereto as Appendix “A” and incorporated herein by reference is the estimated plan of financing for the refunding of the Rural Development Bonds which includes the issuance of the Refunding Bonds by the Town for purchase by the New York State Environmental Facilities Corporation or its designee (“NYSEFC”) under the clean/drinking water state revolving fund program (the “CWSRF/DWSRF Program”), and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. The Rural Development Bonds shall be paid and retired upon the receipt of the proceeds of the sale of the Refunding Bonds. The Town Supervisor, the chief fiscal officer of the Town, is hereby authorized to approve all details of the refunding financing plan not contained herein.

 Section 3. The maximum period of probable usefulness (“PPU”) permitted pursuant to subdivisions 21(a) and (b) of paragraph (a) of Section 11.00 of the Local Finance Law for the object or purpose of class of objects of purposes financed with the proceeds of the Rural Development Bonds at the time of issuance of the Rural Development Bonds was 40 years, measured from the date of issuance of the first Bond Anticipation Notes issued in anticipation thereof. The Refunding Bonds will mature not later than the expiration of the PPU of the objects or purposes for which the Refunding Bonds were issued, in accordance with the Local Finance Law.

 Section 4. It is estimated that the present value of the total debt service anticipated for the Refunding Bonds in comparison with the Rural Development Bonds, after factoring in the expected subsidy provided under the CWSRF/DWSRF Program and computed in accordance with the provisions of the Local Finance Law, will result in interest savings for the Town. The refunding financing plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of $11,145,000, and will mature on a date to be specified by the Town Supervisor as Chief Financial Officer in each of the years 2024 through 2058.

The Town Board recognizes the principal amount of the Refunding Bonds, the provisions, if any, for the redemption thereof prior to maturity, and the resulting present value savings, may vary from those assumptions and the final refunding financial plan may vary from that described herein and in the preliminary financial plan. The Town Supervisor is hereby authorized and directed to determine the amount of Refunding Bonds to be issued, the date of such Refunding Bonds and the date of issue, maturity and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph (e) of Section 57.00 of the Local Finance Law, and the other matters relating to the Refunding Bonds referred to in Section 7 of this Resolution.

 Section 5. (a) The Refunding Bonds shall be sold at private sale, and the Town Supervisor, the chief fiscal officer of the Town, is hereby authorized to execute an agreement or agreements with the NYSEFC on behalf of the Town for the sale of said Refunding Bonds, provided (1) the terms and conditions of such sale shall be approved by the State Comptroller, to the extent required by the Local Finance Law; provided, however, if such Refunding Bonds are being sold to NYSEFC in connection with a hardship state revolving fund financing at a rate equal to zero percent, compliance with subparagraph (a) of subdivision 2 of paragraph (b) of Section 90.10 shall not be required and provided further, however, that if the Refunding Bonds to be refunded are to be redeemed or paid on the same date as the refunding bonds are issued, the issuer need not comply with the provisions of section 90.10 of the Local Finance Law relating to the escrow of the proceeds of the sale of the Refunding Bonds. The Town Supervisor is hereby authorized and directed to take any and all actions necessary to accomplish the refunding, and the Town Supervisor is hereby authorized to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the Town in connection with the refunding.

 Section 6. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and said Refunding Bonds shall be general obligations of the Town payable as to both principal and interest, if any, by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest, if any, on the Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest, if any, to be due and payable in such year.

 Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 of the Local Finance Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Local Finance Law, the Town Board hereby delegates to the Town Supervisor, as chief fiscal officer of the Town, (1) the power to prescribe the terms, form and content of the Refunding Bonds, (2) the power to sell and deliver the Refunding Bonds, (3) the power to issue the Refunding Bonds providing for substantially level or declining annual debt service, (4) the power to enter into any agreements for credit enhancements for the Refunding Bonds, (5) the power to enter into an agreement or agreements with one or more banks or trust companies to act as the fiscal agent for the Town in connection with the Refunding Bonds, and (6) the authority to take such other actions, and to execute and deliver on behalf of the Town such instruments, agreements and other documents, as the Town Supervisor, in his discretion, deems necessary or appropriate to carry out the refunding of the Rural Development Bonds in accordance with the intent of this resolution.

 Section 8. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

 (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

 (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

 (c) such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 9. This resolution, or a summary thereof, shall be published in summary form by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each of the official newspapers of the Town. The validity of the Refunding Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of the summary of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 10. The law firm of Barclay Damon LLP is hereby appointed to serve as bond counsel to the Town in connection with the issuance of the Refunding Bonds.

The Motion having been duly seconded by Nola J. Gove, it was adopted and the following votes were cast:

5 AYES – Ridgeway, Scheppard, Gove, Warner, Wood

 0 NAYS

The foregoing resolution was thereupon declared duly adopted.

Grete L. Day of Barton & Loguidice prepared a written CEHA variance update for the meeting tonight.

**PUBLIC COMMENT – Peggy Daniels,** a chemistandtenant at Sandy Island Beach Campground has done some research on the blue-green algae issue at Sandy Pond. She is very concerned as the toxins produced can cause liver issues. Blue-green algae is unpredictable. She discovered an option to help control the blooms after they are visible. Special harvester machines are now available to cut the blooms. They are then dried and sold to companies for bioethanol production. Other methods include dumping clay on the blooms and using barley straw to help negate the toxins produced. Harmful algal blooms (HABs) can cause many medical issues. Some species can even cause ALS and Parkinson’s Disease. Limiting the use of phosphorus products and keeping the channel open to keep a good water flow should help prevent HABs from growing.

**OLD BUSINESS -** Councilman Gove continues to work on updates to the employee handbook.

**NEW BUSINESS**

**RESOLUTION 121-23**

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

ADOPTED - 5 Ayes Ridgeway, Scheppard, Gove, Warner, Wood

 0 No

**Resolved** that the Town Board of the Town of Sandy Creekapproves the Williamson Law Book Municipal Accounting and Budget Software Support Contract for November 1, 2023 – October 31, 2024 for $1,274.00.

**TRANSFER OF FUNDS**

**RESOLUTION 122-23**

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

ADOPTED - 5 Ayes Ridgeway, Gove, Scheppard, Warner, Wood

 0 No

**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: A1620.2 | Town Hall Equip | To: A1620.111 | Town Hall Mowing | $129.95 |
| From: A1990.4 | Contingent | To: A1910.4 | Unallocated Insurance | $3,772.54 |
| From: A1680.4 | Data Processing Contr | To: A1680.2 | Data Processing Equip | $657.00 |
| From: A7110.4 | Parks Contractual | To: A6510.4 | Veterans Services | $97.50 |
| From: A1990.4 | Contingent | To: A8810.4 | Cemetery Contr. | 3,550.96 |

**RESOLUTION 123-23**

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

ADOPTED - 5 Ayes Ridgeway, Gove, Warner, Scheppard, Wood

 0 No

**Resolved** that the bills be paid on Abstract #20 in the following amounts:

General Fund $ 4,601.80

Water District #1 $ 250.00

Water District #2 $ 50.00

Water District #3 $ 200.00

Trust & Agency $ 19,070.53

**And** on Abstract #21 in the following amounts:

General Fund $ 17,331.71

Highway Fund $ 57,344.49

Water District #3- H3 $ 27,653.23

Water District #1-SW $ 2,616.40

Water District #2-SW $ 9,192.77

Water District #3-SW $ 7,560.06

Trust & Agency $ 7,852.37

The next regular monthly meeting will be held December 13th at 7 pm

**On motion** by Nola J. Gove, and seconded by Ruth E. Scheppard, and carried unanimously, the meeting was adjourned at 8:47 pm.

Respectfully submitted,

Tammy L. Miller, RMC

Town Clerk