

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 14, 2018

Kind of Meeting: Regular Meeting and Public Hearing

Place: Town Hall

Board Members Present: Nancy Ridgeway
Dave Warner
Ruth E. Scheppard
John W. Wood, Jr.
Nola J. Gove

Others Present:
Tammy L. Miller
Brittany M. Washburn
Dustin J. Clark, P.E.
Anthony Young, P.E.
Allison J. Nelson, Esq.
Rebekah S. Prosachik, Esq.
Michael C. Kastler @ 7:30 pm
Shirley Rice
Pat McCullough
Norma Newman
Wayne Miller
Jessica Godfrey
John Howland at 7:22 PM
Darrin & Austin Harten
Oren McDougal
Dallas Miller

CALL TO ORDER:

Town Supervisor Nancy Ridgeway called the meeting to order at 7:00 pm with the Pledge of Allegiance.

APPROVAL OF MINUTES:

RESOLUTION 99-18

On motion by John W. Wood, Jr., seconded by Dave Warner, the following resolution was

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

0 No

Resolved that the minutes of the October 2nd, 10th, and 11th meetings are approved as written.

FINANCIAL REPORT

The monthly financial report of the Supervisor was placed in the Town Board members' mail boxes and was filed in the Town Clerk's office.

PUBLIC HEARING

Town Supervisor Nancy Ridgeway opened the public hearing at 7:01 pm on the town entering into two Option and Lease Agreements with High Peaks Solar LLC for a period of 25 years each, with the possibility of two additional extensions of 5 years, whereby the Town will lease two parcels of land located on County Route 15 in the Town of Sandy Creek for the purpose of developing solar energy projects. Councilman Wood spoke for the project. He likes the idea of utilizing the site of the former

town dump because it really can't be used for anything else. These projects are good for the town. Supervisor Ridgeway agreed. The public hearing was closed at 7:02 pm.

REPORTS:

Sole Assessor- Rhonda Weigand's report has been filed in the Town Clerk's office. Thirty-three residents have not returned their Enhanced STAR renewal forms.

Dog Control Officer – Anne Derr needs to get an employee identification badge. Elisa Dunn still has the microchip reader that we own with the Town of Richland. The towns will need to discuss which town will retain ownership and buy the other town out on this piece of equipment.

Historian – Charlene Cole's monthly report is on file in the Town Clerk's office. Supervisor Ridgeway reported that Mrs. Cole will be doing the Christmas Tree Event again this year. The community may vote for their favorite tree at the soup kitchen in Lacona. Mrs. Cole attended the Oswego County Veteran's Day celebration commemorating the 100th anniversary of World War I.

Town Justice- The monthly reports of Town Justice Crast and Stoker have been received by the Town Supervisor.

Legislator - Oswego County Legislator Margaret Kastler was excused tonight to attend a county meeting.

Library – Library Director Jessica Godfrey reported that the Annie Porter Ainsworth Memorial Library is the first library to receive the NYS Senate Empire Award. Senator Patty Ritchie presented the award to the library staff and board at a recent visit to the library. She also presented a plaque in honor of the library's 90th anniversary. She expressed interest in participating in future library events. Ms. Godfrey ordered all of the books for the Battle of the Books competition for this school year. This was possible with a generous contribution from the Friendship Shop and Jackie Gregg. The Sandy Creek High School Book Club will host a kids' Thanksgiving celebration on November 17th at the library.

Planning Board – Chairman Shirley Rice read the report from the November 7th meeting of the Sandy Creek Regional Planning Board. The former Sancona property has been sold and part of it will become three storage units. The new owner may sell or lease the store.

Water Advisory Committee- Chairman Norma Newman reported on their October 29th meeting. It was a long meeting as all of the EDU assignments for Water Service Area #3 and several property splits and merges were reviewed. The optional areas in Water Service Area #3 need to be valued at 0.1 EDU until it is known whether construction will occur in these areas. Darrin Harten was present to discuss his property in WSA#3. He owns a 97.67 acre lot on the corner of Hilton Road and Co Rt 62 with 2 homes on it. It is in an agricultural district. The water main is not mapped to go by the 2 homes on Co Rt 62. They sit near the northeast corner of the lot approximately 1,500 feet from the main on Hilton Road. The Town Board discussed his unique situation with the engineers.

RESOLUTION 100-18

On motion by John W. Wood, Jr., seconded by Nola J. Gove, the following resolution was

ADOPTED - 5 Ayes Ridgeway, Scheppard, Warner, Wood, Gove
 0 No

Resolved that the Town Board of the Town of Sandy Creek will assign 0.1 EDU to the Harten property tax ID #028.00-02-11.

RESOLUTION 101-18

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

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

0 No

Resolved that the Town Board of the Town of Sandy Creek approves the November 13, 2018 Water Service Area #3 listing of EDUs (with the exception of the Harten Co Rt 62 property and the optional area properties) **and** the following EDU assignments:

Tax ID	EDU	Property Location	Property Owner
018.00-01-11.11	1.00	46 Beaver Ln	Melekhov, Evgenig
007.19-02-17	1.50	121 Chipman Ln	Nadeau, Clement
007.19-02-21	2.00	129-133 Chipman Ln	Whalen, David
017.07-01-24	2.00	61 Chipman Ln	Rich, Karen
007.19-02-09	1.50	93 Chipman Ln	Stinson, Larry
048.00-01-07.02	1.00	457 Co Rt 62	Claflin, Shawn
018.00-01-05	1.50	64-68 Elms Rd	Farmer, Jesse
007.18-01-03	1.50	233-35 Greene Point Rd	Shirk, Sally
007.18-01-14	1.50	252 Greene Point Rd	Youmans Trust, David
038.00-01-02	1.25	143 Hilton Rd	Tousant, Luke
028.00-02-33	0.50	Hilton Rd	Holliday, Paul
027.08-01-22	0.50	Marina Rd	Banack Family Benefit Trust
028.00-02-23	1.00	8430 St Rt 3	Bettinger, David
029.00-03-15.12	1.50	5734 Us Rt 11	Van Camp, John
029.00-03-18.01	1.00	5746 Us Rt 11	Donnelly, Jaqueline
027.13-01-03	0.10	W Shore Dr	Shermer, Ruth
027.13-01-04	0.10	W Shore Dr	Valle, Mark
027.13-01-05	0.10	W Shore Dr	Caster, Kelly
027.13-01-09	0.10	W Shore Dr	Niland, Thomas
027.13-01-19	0.10	W Shore Dr	Henty, James
018.00-01-07.05	1.00	159 Weaver Rd	Van Camp, William
018.00-01-07.06	1.00	6 Elms Rd	St Louis, Michael & Kristy
007.15-02-12	1.00	20 Ross Park Dr	Gerhart, Herbert
048.00-01-07.05	1.00	24 Balcom Dr	Zimmer, Brady
017.07-01-22	1.00	57 Chipman Ln	Zaccaria, Thomas
028.00-00-01-02.11	1.00	20 Koster Rd	Hathway, Timothy
028.00-01-02.12	0.50	St Rt 3	Terrell, Scott
027.10-05-02	1.00	80 Lakeshore Rd	Connelly, James
027.00-04-32.01	0.50	Volcko Tract	Hamm Jr, Russell
027.00-04-32.02	0.50	Volcko Tract	Hamm, David & Russell
027.08-01-25	2.00	163-85 Seber Shores Rd	Seeber Shores Marina
027.08-02-22	1.00	12 Ontario Dr	Donnelly, Troy
027.10-01-01.04	2.50	21-24 Lakeshore Rd	Sandy Pond Resorts LLC

Code Enforcement Officer – John Howland’s report for the month of October is on file in the Town Clerk’s office. He reported that the Code Enforcement Officer training on October 24th went very well. Ten CEO’s from Oswego County towns and two state officials discussed current issues, including junk violations. They plan to hold another round-table discussion in February. A meeting has been scheduled in Richland with the Oswego County Sheriff-elect to discuss enforcement of local laws and whether he is willing to have his deputies act on warrants for local law violations.

Highway/Water Superintendent – Superintendent Kastler read his highway report. He discussed replacing a highway department truck.

Town Clerk – Tammy Miller reported that receipts and total disbursements for the month of October totaled \$3,167.50 of which \$2,206.65 was the town’s portion. This report is on file in her office and available for public inspection. Mrs. Miller received notice from Mervyn J. Wright that he is applying for renewal of his on-premises alcoholic beverage license for Merv’s Place at 8461 St Rt 3. She has received paperwork from the Oswego County Director of Real Property asking for appointment of a Board of Assessment Review member to fill the vacancy. Information was received on the 2018 Winter Planning and Zoning School in Minetto on November 17th. An information packet was received on the 2019 Annual Meeting & Training School February 17th - 20th in New York City.

Engineers – Dustin J. Clark, P.E. and Anthony Young, P.E. of Barton & Loguidice, D.P.C. were present to update the board on current projects. Mr. Young reported that there is nothing new on the sewer study. The preliminary engineering report will be developed over the next several months and must be completed by September 2019. Attorney Nelson’s office sent approximately 300 parcels to the title search company for the WSA#3 project. Today Governor Cuomo announced that the Sandy Creek/Richland Joint Water Project has been awarded a NYS Water Infrastructure Improvement Act (WIIA) grant of up to \$3 million through the Environmental Facilities Corporation (EFC).

PUBLIC COMMENT – There was none at this time.

OLD BUSINESS – There is an opening on NOCA’s board of directors for a representative from the Town of Sandy Creek.

RESOLUTION 102-18

On motion by Nola J. Gove, seconded by John W. Wood, Jr., the following resolution was

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

0 No

Resolved that the Town Board of the Town of Sandy Creek appoints Robert L. Tessier to the Board of Assessment Review filling the term vacated by Edmund Backus and expiring September 30, 2019.

NEW BUSINESS

RESOLUTION 103-18

On motion by John W. Wood, Jr., seconded by Ruth E. Scheppard, 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 approves the Williamson Law Book Municipal Accounting Software Support Contract for November 1, 2018 – October 31, 2019.

RESOLUTION 104-18 - High Peaks Solar LLC SEQR Part 2

WHEREAS, High Peaks Solar LLC (“the Project Sponsor”) desires to construct one or more solar generators as a community solar project (“Project”) in the Town of Sandy Creek (“Town”) on Town owned land located on County Route 15 in the Town of Sandy Creek; and

WHEREAS, the Town Board has reviewed the proposed leases, held a public hearing regarding same, after notice, on the 14th day of November 2018 at which time members of the public had the opportunity to speak and comments were received regarding the leases; and

WHEREAS, the Town Board further notified the Oswego County Planning Board pursuant to Article 12-B, Section 239 (l&m) of the New York State General Municipal Law; and

WHEREAS, the Town Board has reviewed the requirements of the State Environmental Quality Review Act, and found that the proposed leases would be a Type 1 Action under said act, expressed its desire to act as lead agency and so notified the Oswego County Planning Board, Oswego County IDA, New York State Department of Environmental Conservation, New York State Department of Parks and Recreation, NYSERDA, Town Sandy Creek Planning Board and Indian Nations; and

WHEREAS, after full discussion, the Town Board deems it in the best interest of the Town to adopt the proposed leases; and

NOW, THEREFORE, on motion made by Councilperson Nancy Ridgeway, seconded by Councilperson John W. Wood, Jr., be it resolved as follows:

Town Board completed Part 2 of the Environmental Assessment Form on the record and determined that the proposed leases to be a Type 1 Action, that the Town Board act as lead agency and determined the leases will not have a significant adverse environmental impact.

Motion passed as follows:

Nancy Ridgeway, Town Supervisor	AYE
Ruth E. Scheppard, Councilwoman	AYE
Nola J. Gove, Councilwoman	AYE
Dave Warner, Councilman	AYE
John W. Wood, Jr., Councilman	AYE

RESOLUTION 105-18

AUTHORIZING EXECUTION OF TWO OPTION AND LEASE AGREEMENTS WITH HIGH PEAKS SOLAR LLC FOR DEVELOPMENT OF SOLAR ENERGY PROJECTS ON LAND OWNED BY THE TOWN OF SANDY CREEK

WHEREAS, the Town of Sandy Creek (“Town”) owns two parcels of real property fronting County Route 15 in the Town of Sandy Creek identified as a wooded 15 acre parcel having tax map # 029.00-01-03 located in the Town and a 13.15 acre parcel also fronting County Route 15 inside the Town known as tax map # 029.00-01-01.12 (collectively the “Town Sites”); and

WHEREAS, High Peaks Solar LLC (“HPS”), a developer of utility scale Community Solar projects has expressed an interest in evaluating the Town Sites for the future development of solar energy projects and has proposed two Option and Lease Agreements (“Agreements”) between the Town and HPS; and

WHEREAS, the Agreements are structured as two-step contracts beginning with a one (1) year option period that may be extended for an additional one year followed by a twenty-five (25) year lease that may be extended by two additional five year periods; the option period provides HPS an opportunity to evaluate the Town Sites for solar development by conducting studies including examining the potential for interconnecting with National Grid electricity distribution system and the lease period includes designing, building and operating the solar generator; and

WHEREAS, HPS will pay the Town \$1,000 for the first option year and \$1,500 for a second year, if more evaluation is necessary and upon commencement of the lease period HPS will pay rent to the Town equal to \$1,000 per acre per year with an 8 acre minimum and beginning in year 6 of the lease the rent will escalate 1% per year; and

WHEREAS, the intent of the parties is to develop Community Solar projects that will make the electricity generated by the projects available to everyone in the Town as a voluntary choice through their monthly electricity bills at a competitive cost with no investment; and

WHEREAS, pursuant to the New York State Town Law § 64(2) this Resolution is subject a permissive referendum;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Sandy Creek is authorized and directed to execute two Option and Lease Agreements each of 25 years in length, with options to extend, with High Peaks Solar LLC for the evaluation and development of solar energy generators on Town owned lands, a copy of which Agreements is filed with the Clerk of this Board; and

BE IT FURTHER RESOLVED, that a Public Notice describing this Resolution and indicating that it is subject to permissive referendum as provided by the Town Law shall be published by the Town Clerk.

NOW, THEREFORE, upon motion made by Dave Warner, and seconded by Nola J. Gove, **BE IT RESOLVED** as follows:

Nancy Ridgeway, Town Supervisor	AYE
Ruth E. Scheppard, Councilwoman	AYE
Nola J. Gove, Councilwoman	AYE
Dave Warner, Councilman	AYE
John W. Wood, Jr., Councilman	AYE

RESOLUTION 106-18

RESOLUTION DESIGNATING THE TOWN OF SANDY CREEK AS LEAD AGENCY FOR SEQRA REVIEW OF THE PROPOSED LOCAL LAW

WHEREAS, the Town Board has considered adopting Local Law 1 of 2019 a local law providing for the administration and enforcement of the ICC, State Fire Prevention and Building Code in the Town of Sandy Creek; and

WHEREAS, the Project has been classified as an Unlisted Action as defined by the New York State Environmental Quality Review Act (“SEQR”) in 6 NYCRR Part 617.4; and

WHEREAS, the Town has identified the following agencies as Involved Agencies under SEQRA:

1. NYS Agriculture and Markets
2. NYS Department of Environmental Conservation
3. NYS Department of Transportation
4. NYS Division of Historic Preservation
5. Oswego County Planning Board
6. Oswego County Highway Department
7. Oswego County Department of Health
8. Town of Boylston
9. Town of Ellisburg
10. Town of Orwell
11. Town of Richland
12. Village of Lacona
13. Village of Sandy Creek
14. U.S. Army Corps.

WHEREAS, the Town desires to act as Lead Agency for a coordinated review of the Project pursuant to SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Sandy Creek is authorized and directed to seek Lead Agency status under SEQRA for the coordinated review of the Project; and

BE IT FURTHER RESOLVED, that letters be sent by the attorney for the Town to all of the Involved and Interested Agencies together with a Part I Environmental Assessment Form requesting concurrence with the Town acting as Lead Agency.

NOW, THEREFORE, upon motion made by Nola J. Gove, and seconded by John W. Wood, Jr., **BE IT RESOLVED** as follows:

Nancy Ridgeway, Town Supervisor AYE
 Ruth E. Scheppard, Councilman AYE
 Nola J. Gove, Councilman AYE
 Dave Warner, Councilman AYE
 John W. Wood, Jr., Councilman AYE

The 2019 budget was passed after the November 7th public hearing. The town tax rate will increase approximately 15¢ per \$1,000 of assessed value.

**TRANSFER OF FUNDS
 RESOLUTION 107-18**

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

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

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
A1990.4	Contingent Account	A1940.4	Purchase of Land/Rights of Way	\$ 1,200.00
A1990.4	Contingent Account	A3310.2	Traffic Control – Equipment	56.25
DB5110.4	General Repairs Contractual	DB5130.4	Machinery Contractual	2,500.00
DB5140.1	Brush & Weeds Personal Service	DB5140.4	Brush & Weeds Contractual	23.74
SW1-1990.4	Contingent Contractual	SW1-8340.4	Water Operator, Contractual Exp	885.00
SW2-1990.4	Contingent Contractual	SW2-8340.4	Water Ooperator, Contractual Exp	281.00

**PAYMENT OF BILLS
 RESOLUTION 108-18**

On motion by John W. Wood, Jr., seconded by Nola J. Gove, the following resolution was

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

0 No

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

General Fund \$ 304.85
 Trust & Agency \$ 9,049.50

And on Abstract #21 in the following amounts:

General Fund	\$	12,144.25
Trust & Agency	\$	6,386.07
Highway Fund	\$	29,564.20
Water District #1-SW	\$	4,289.61
Water District #2-SW	\$	13,621.82
Sewer Project- H1	\$	960.00
Water District #3-H3	\$	189,681.29

The next meeting of the Water Advisory Committee will November 26th at 6 pm.

The next regular monthly meeting of the Town Board will be held December 12th at 7 pm.

On motion by Nancy Ridgeway, seconded by Nola J. Gove and carried unanimously, the meeting was adjourned at 8:36 pm.

Respectfully submitted,

Tammy L. Miller, Town Clerk