



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

**Resolved** that the Town Board of the Town of Sandy Creek appoints Rachel Allen, Giannina Cangemi-Binotto, Nola J. Gove, Ashley Haskins, and Jill Soule to the Board of Trustees of the Annie Porter Ainsworth Memorial Library.

Nola J. Gove left the meeting to attend the library meeting.

**REPORTS:**

Assessor- Rhonda Weigand's report has been filed in the Town Clerk's office. The town's equalization rate remains at 100%.

Dog Control Officer- Elisa Dunn reported that she had a call on Sawmill Road tonight. She will pick up the dog control equipment and the town will have an identification badge made for her soon. She has written some overdue tickets.

Historian – Charlene Cole's monthly report is on file in the Town Clerk's office and available for public inspection.

Town Justice- The monthly reports of the Town Justices have been received by the Town Supervisor and filed in the Town Clerk's office.

Legislator – Margaret Kastler was excused due to illness this evening.

Library – Barbarajean Wydner reported that Mike Tschauder began work at the library. There is a problem with the sink and there is a buildup of ice on the roof. Also, the side entrance door is not opening and closing properly. On February 16<sup>th</sup> there will be a movie night. Two individuals have donated Legos for the Lego Club. Attendance has increased significantly over January 2014 with 1,000 patrons using the library in January 2015. They are hoping to get some volunteers from school. A copy of the library's current grant was given to the town board this evening.

Friends of Ainsworth Library – Carol Flournoy reported that 80 to 100 people attended the author and sled dog event on January 24<sup>th</sup>. Their next event will be held on Saturday, February 21<sup>st</sup> with a theme of "Loving Your Library, Loving Your Books". Poetry readings, a history of Valentine's Day, and tree decorating are scheduled. They also plan to have a community garden on the library property this summer.

Planning Board – The Sandy Creek Regional Planning Board's report is on file in the office of the Town Clerk. Chairman Shirley Rice reported on their February 3<sup>rd</sup> meeting. A public hearing was held on the Miller Site Plan. Officers elected for a two year term are Shirley Rice, Chairman; Bill Joyce, Vice-Chairman; and Pat McCullough, Secretary/Treasurer. They are recommending the reappointments of Frank Dixon by the town and Larry Rice by the village board. Mrs. Rice reported on the Moet Site Plan application for a yoga retreat. The public hearing will be held on March 3<sup>rd</sup>.

Highway/Water Superintendent – Superintendent Mike Kastler read his report for January. It is on file in the Town Clerk's office. He would like to begin the bidding process of buying two new tractors with flail mowers. He also read his water report. The Blair Supply bills need auditing as they are showing a large credit. Mr. Parker has an issue with his EDU agreement. Mr. Collins sent payment for the curb stop damage.

Nola J. Gove returned to the meeting at 7:55 pm.



RESOLUTION AND  
DECLARATION OF OFFICIAL INTENT

Lessee: Town of Sandy Creek

Principal Amount Expected To Be Financed: \$182,306.53

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property:

Mack Model GU712 Truck with Dump Body, Plow, Front Hitch, Leveling Wing

WHEREAS, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

⇒ Section 3. Either one of the \_\_\_\_\_ OR the \_\_\_\_\_ (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

⇒ Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is] ( 10 ) years.

⇒ Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of ( 5 ) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN

\$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

⇒ ADOPTED AND APPROVED on this 11<sup>th</sup> day of February 2015.

The undersigned **Secretary/Clerk** of the above-named Lessee hereby certifies and attests that (i) the undersigned has access to the official records of the Governing Body of the Lessee, (ii) the foregoing resolutions were duly adopted by the favorable vote of not less than [two-thirds/three-fifths] of all the members of said Governing Body of the Lessee at a [regular/special] meeting of said Governing Body duly called, regularly convened and attended throughout by the requisite quorum of the members thereof, (iii) such resolutions have not been amended or altered and are in full force and effect on the date stated below and (iv) such meeting of the Governing Body relating to the authorization and delivery of the Equipment Lease has been (a) held within the geographic boundaries of the Lessee; (b) open to the public, allowing all people to attend (c) conducted in accordance with internal procedures of the Governing Body and (d) conducted in accordance with the charter of the Lessee, if any, and laws of the State.

⇒ Tammy L. Miller  
Signature of Secretary/Clerk of Lessee

⇒ Print Name: Tammy L. Miller

⇒ Official Title: Town Clerk

⇒ Date: 2/11/15



**Resolved** that the Town Board of the Town of Sandy Creek approves the agreement with the City of Oswego for dog shelter services.

**NEW BUSINESS**

**RESOLUTION 24-15**

On motion by John W. Wood, Jr., seconded by Nancy Ridgeway, the following resolution was

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

**Resolved** that the Town Board of the Town of Sandy Creek appoints John Howland as Fair Housing Officer.

**RESOLUTION 25-15**

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

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

**Resolved** that the Town Board of the Town of Sandy Creek reappoints Edmund P. Backus to the Board of Assessment Review with a term expiring on 9/30/2019.

**RESOLUTION 26-15**

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

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

**Resolved** that the Town Board of the Town of Sandy Creek directs the bookkeeper to pay Water Superintendent Michael C. Kastler a salary of \$1,100 for Water District #2 as established in the adopted budget for 2015.

Maintenance and inspection of the lift will be done on February 13<sup>th</sup>. Supervisor Ridgeway spoke with the DEC regarding questions on the Coffin mining permit. Updates to the employee handbook may be necessary.

**RESOLUTION 27-15**

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

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

**Resolved** that the Town Board of the Town of Sandy Creek accepts the professional building maintenance agreement with ALPS Professional Services, Inc. for 2015.

**APPROVAL OF BILLS**

**RESOLUTION 28-15**

On motion by Kevin Halsey, seconded by Ruth Scheppard, the following resolution was

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

**Resolved** that the bills be paid on Abstract #2 in the following amounts:

General Fund           \$     40.01  
Trust & Agency       \$   15,896.45

And on Abstract #3 in the following amounts:

General Fund           \$   65,012.00  
Trust & Agency       \$   11,744.62  
Highway Fund         \$   28,367.52  
Water District #1-H   \$   155,142.55  
Water District #2-H   \$    15,750.00  
Water District#1-SW  \$   138,542.30

**RESOLUTION 29-15**

On motion by Ruth Scheppard, seconded by Nola J. Gove, the following resolution was  
ADOPTED - 5 Ayes           Ridgeway, Gove, Scheppard, Wood, Halsey  
              0 No

**Resolved** that the Town Board of the Town of Sandy Creek approves Change Order #4 and #5 of Contract #1 of the Eastern Shore Water System Project.

**RESOLUTION 30-15**

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

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

**Resolved** that the Town Board of the Town of Sandy Creek will enter executive session at 9:36 pm for the employment history of a particular person.

**RESOLUTION 31-15**

On motion by Ruth Scheppard, seconded by Kevin Halsey, the following resolution was

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

**Resolved** that the Town Board of the Town of Sandy Creek exits executive session at 10:23 pm.

**RESOLUTION 32-15**

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

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

**Resolved** that the Town Board of the Town of Sandy Creek will terminate the employment of Heather Cornell effective immediately.

**On motion** by Kevin Halsey, seconded by John W. Wood, Jr. and carried unanimously, the meeting was adjourned at 10:48 pm.

Respectfully submitted,  
Tammy L. Miller, RMC  
Town Clerk