**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:** July 10, 2019

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

**Place:** Town Hall

**Board Members Present:** Nancy Ridgeway  **Others Present:**

Dave Warner Michael C. Kastler

Ruth E. Scheppard Tammy L. Miller

Nola J. Gove Margaret Kastler, Legislator

Rebekah Prosachik, Esq.

Brett McVoy, I.E.

**Absent:** John W. Wood, Jr Shirley Rice

Pat McCullough

Jessica Godfrey

Wayne Miller

Pat McDougal @7:46 pm

Jim Shea

Constance Ehindero

Patricia Shulenberg

Matthew Biondolillo

**CALL TO ORDER:**

Town Supervisor Nancy Ridgeway called the meeting to order at 7:01 pm with the Pledge of Allegiance.

**PUBLIC HEARING on Best Value Local Law**

Supervisor Ridgeway opened the public hearing on Local Law No. 2 of the Year 2019, a local law to Authorize Purchasing Based on Best Value in the Town of Sandy Creek. No one spoke for or against this local law and the public hearing was closed at 7:03 pm to open the regular meeting.

**APPROVAL OF MINUTES:**

**RESOLUTION 54-19**

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

ADOPTED - 4 Ayes Scheppard, Warner, Gove, Ridgeway

0 No

1 Absent Wood

**Resolved** that the minutes of the June 12th meeting are approved as written.

**FINANCIAL REPORT**

The Monthly Report of the Supervisor was received by the Town Board tonight and is on file in the Town Clerk’s office.

**REPORTS:**

Highway/Water Superintendent – Michael C. Kastler read his highway report and his water report. NYS has reinstated Emergency Winter Recovery funding. The town will be getting $20,000 for road repairs from last winter. Overdue water bills have been mailed out with the $50 late fee included. Superintendent Kastler has made some calls to contractors regarding replacement and repairs that would need to be done at the Cazenovia Equipment building should it become the future home of the Highway Department. It is a newer building than the current town barn, however work is needed to make it a working town barn. Estimates are needed to estimate the true cost of purchasing this building. If the town buys the property before the current lease is up, the town could collect the rental payments from Cazenovia Equipment.

Assessor- Supervisor Ridgeway summarized Rhonda Weigand’s report and it is on file in the Town Clerk’s office. NYS is taking over the School Tax Relief (STAR) program.

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

Historian – Charlene Cole’s monthly report was e-mailed to the Town Board and is on file in the Town Clerk’s office. Supervisor Ridgeway summarized her report. The theme of the 162nd Oswego County Fair is “Best Days Ever”. It will run from August 6th through August 11th. Sharon Keating donated the cross that was atop of Emanuel Episcopal Church in Lacona to the town’s historian department. The Library and Historian are working together to host author, Luke Salisbury on July 27th. Signed copies of his book *No Common War* will be available for purchase at this event and afterward at the Town Hall.

Town Justice- Judge Crast’s and Judge Stoker’s monthly reports have been received by the Town Supervisor.

Legislator – Margaret Kastler reported that the Oswego County Legislators’ meeting is July 11th at 2 pm in Oswego. There is a county wide active shooter training program being held at SCCS the entire month of July. There is a surcharge that appears on everyone’s cell phone bill. The Oswego County E911 department is not getting their payments from this fee. Snow and Ice Contracts are on the agenda for the meeting tomorrow. Superintendent Kastler stated that no hourly option is being offered. The county wants to pay by mile only. The county does not have the resources to plow their own roads and it is more profitable for them to plow the NYS roads and receive payment. A lengthy discussion followed regarding changes to the contract between the county and its towns.

Library – Library Director Jessica Godfrey presented the board with her monthly newsletter. She thanked Superintendent Kastler for plowing snow at the library each winter. Until August 31st children under 18 can have their overdue library book fines forgiven if they donate a canned or non-perishable food item to the library for the local food pantry. The Teen/Tween summer reading program has ended, but the children’s summer reading program will continue through August. Canvas tote bag painting was very popular due to the upcoming plastic bag ban in NYS. Another one of these crafting sessions will be held July 20th at 11 am. Preliminary drawings for a new driveway and parking lot at the library show an additional 18 parking spaces will be added. Superintendent Mike Kastler agreed to repair some windows at the library. Supervisor Ridgeway reported that some vandalism has occurred recently at the library and the cameras there have been fixed free of charge.

NOCA – The quarterly financial report was received July 9th and filed in the Town Clerk’s office.

Planning Board – Chairman Shirley Rice read the report from the Sandy Creek Regional Planning Board’s meeting on July 2nd. The August meeting will be postponed until August 13th due to the Oswego County Fair.

Water Advisory Committee- Minutes have been distributed and filed from the June 25th meeting of the Water Advisory Committee.

**RESOLUTION 55-19**

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

ADOPTED - 4 Ayes Scheppard, Warner, Gove, Ridgeway

0 No

1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek approves EDU changes that were recommended by the Water Advisory Committee as follows:

**Tax ID EDU Property Location Property Owner**

017.12-01-22 1.50 12 Keicher Dr James & Sara Benscoter

017.16-01-03.2 1.50 103-105 Blind Creek Dr Keith Davis

027.08-04-08 1.50 30 Kiblin Shores Rd Hubert Wolf

027.11-01-11 1.50 8 King Rd Lawrence Petrocci

027.10-03-29 1.50 103 Lakeshore Rd Smith Rev Trust

027.19-01-17.02 0.10 Ebbert Dr Pasternak Family Trust

027.10-02-08 1.50 50 Lakeshore Rd Thomas & Yolanda Fero

027.14-03-06 1.50 368 Ouderkirk Rd Daniel Wood

027.00-04-13.02 1.00 56-60 Ouderkirk Rd Gary Bowman

027.11-05-10 1.50 20 Richter Dr Carol Richter-Shippee

017.20-01-25 1.50 253-55 Seber Shores Rd William Joyce

027.19-02-10 1.50 40 South Ave Donald Dowd

017.20-01-28 1.50 259 Seber Shores Rd Charles Seeber Rev Trust

027.08-03-09.07 1.50 53 Sunset Cir Robert Checchia

037.00-02-01 1.00 208 Tryon Rd Robert McWilliams

027.19-02-01 1.25 3 South Ave Robert Arnold

007.20-01-01 1.00 176 Elms Rd Dan & Marilyn Mandigo

007.19-02-18 1.50 127 Chipman Ln Patricia McShane

017.07-01-12 1.00 36 Chipman Ln Megan Cichy

007.00-02-09 2.00 9199-9214 St Rt 3 Reiter Irrev Trust

Code Enforcement Officer – John Howland’s report for June is on file in the Town Clerk’s office and available for public inspection. Violation notices were discussed. Those not in compliance will receive a final notice from Attorney Prosachik and be given 30 days before court or an administrative hearing is necessary. Three options for handling those refusing to comply were discussed.

**Patricia Shulenberg**, Program Manager at Save the River explained that she is a biologist whose heart is here at the dunes of Sandy Pond and Lake Ontario. She met with Legislator Kastler, Cheryl Yerdon, Connie Ehindero, Matt Biondolillo and Town Clerk Miller at the Town Hall on June 21st to discuss a possible grant application to evaluate shoreline stabilization techniques that are a better solution than riprap and block walls and continual dredging projects. This grant is for up to $30,000 and requires a 10% match. The Sandy Pond Channel Maintenance Association, the Eastern Lake Ontario Dunes Foundation (an all-volunteer board of 8 members), and the Dune Coalition are all on board with this study. The deadline to apply is July 26th at 4 pm. **Matthew Biondolillo** explained that he is in tune with shoreline technologies in the United States and Europe and could incorporate some into a local shoreline plan. He has worked on waterways his entire life and is working on the St Lawrence River Resiliency project. He recently moved from Pennellville to the Watertown area and often recreates at Boaters’ Beach. He is interested is studying the ecology and economics of the area’s shoreline as he knows high and low waters impact business in the area. **Connie Ehindero** explained that she wants to keep our beaches and not hardscape the shoreline. She spoke about beach nourishment versus beach hardening. This team of biologists asked for Town Board support and for the town to be the applicant of this grant since municipalities can apply. Non-profit groups are not eligible to apply. Ms. Shulenberg is willing to volunteer to write the grant application on her own time. The Town Board would approve the budget for the project. This is a planning grant. This team knows and works with Tom Hart, who is currently working on the North Pond Resiliency grant project. They wish to maintain our beach for the next generation. Supervisor Ridgeway explained that she has learned in recent meetings regarding the flooding issue that planning is key. Governor Cuomo is looking for prevention and resiliency along our shorelines.

**RESOLUTION 56-19**

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

ADOPTED - 4 Ayes Scheppard, Warner, Gove, Ridgeway

0 No

1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek will apply for a NYS DEC Non-Agricultural Nonpoint Source Planning Grant 2019.

Town Clerk – Tammy Miller reported that receipts and total disbursements for the month of June totaled $1,731.50. Of this total, $1,505.51 was paid to Supervisor Ridgeway for town revenue. This report is on file in the Town Clerk’s office and available for public inspection. A training class, “Responding to Opioid Overdose” will be held on August 26th from 6:30 to 8 pm at the Town Hall.

**RESOLUTION 57-19 – CONSOLIDATION OF VITAL REGISTRATION DISTRICTS**

**Whereas,** the Town of Sandy Creek has been assigned by New York State as Vital Statistics Registration District 3765, and the Village of Lacona has been assigned by New York State as Vital Statistics Registration District 3727, and the Village of Sandy Creek has been assigned by New York State as Vital Statistics Registration District 3728, and

**Whereas,** the Town Clerk has requested the approval of the Town Board to formally consolidate the Town and the two Villages into one primary registration district, namely the District of the Town of Sandy Creek under Vital Statistics Registration District 3765, and

**Whereas,** the formal consolidation of the Registration Districts would benefit the public by eliminating questions as to which district records should be filed and not result in the loss of services to any municipality,

**NOW,** therefore be it **RESOLVED**, by the Town Board of the Town of Sandy Creek that consolidation of the Town and Villages’ Registrar functions under the Town’s registration number (Vital Registration District 3765) is approved, pending necessary approvals of all other required entities, including the Village of Lacona, Village of Sandy Creek, Oswego County and the New York State Department of Health.

Motion was made by Town Supervisor Ridgeway and seconded by Councilman Warner to approve the resolution to consolidate the vital registration districts between the Town of Sandy Creek and the Village of Lacona and the Village of Sandy Creek under Vital Statistics Registration District 3765.

Motion carried as follows:

Nancy Ridgeway Aye

Ruth E. Scheppard Aye

Nola J. Gove Aye

Dave Warner Aye

John W. Wood, Jr. Absent

Engineers – Brett McVoy of Barton & Loguidice was present to update the Town Board on current projects. Dustin Clark attended a meeting this morning with Nancy Ridgeway and Ruth Scheppard regarding the Town of Sandy Creek Resiliency and Economic Development Initiative (REDI) Projects. A REDI grant may be available to help with a town sewer district. REDI project descriptions are due on August 2nd and the final project Preliminary Engineering Report is due by September 2nd. An NYSEFC application to the Clean Water State Revolving Fund will also be submitted by September 13th for additional grant funding. If these applications are successful, the town may need to re-send sewer interest surveys stating the lower projected cost to property owners. Councilman Warner asked questions regarding the effluent discharge. The town would need to find a spot near flowing water and away from recreational areas for a sewage treatment facility. The new grant funding opportunities are encouraging for development of a sewer district.

NYS Department of Transportation approved the Water District #3 project on July 8th. The first round of DEC comments was received on July 5th. The DEC is requiring some changes to the design. The steps to proceed were reviewed. The town is closing on short-term financing through EFC on July 11th.

**PUBLIC COMMENT – Patricia McDougal** of South Sandy Pond Inlet alerted the Town Board that E911 is often confusing two roads, South Sandy Pond Inlet and Sandy Pond Inlet. These two roads are miles apart. She is also very concerned that Miller Road is deteriorating each day. Superintendent Kastler explained that the town has been waiting for years for the state to fix the Miller Road bridge. **Jim Shea** of North Rainbow Shores Road asked about obtaining spoils from Water District #3 construction. Superintendent Kastler explained that property owners may be able to get them directly from the contractor after construction begins.

**OLD BUSINESS**

Deputy Supervisor Scheppard reported on meetings held July 9th and 10th that she and Supervisor Ridgeway attended regarding flooding issues at the lakeshore. Preventing damage and increasing economic growth while maintaining water quality is the focus. In the Town of Sandy Creek there is support for dune restoration and a public sewer project.

**RESOLUTION 58-19 – BEST VALUE LOCAL LAW**

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

ADOPTED - 4 Ayes Scheppard, Warner, Gove, Ridgeway

0 No

1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek adopts **Local Law 2 of 2019 – a local law to authorize purchasing based on best value** in the Town of Sandy Creek established in General Municipal Law Section 3-c as follows:

**SECTION 1: PURPOSE**

General Municipal Law § 103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the “lowest bidder” rule on the basis of the best value, as defined in State Finance Law § 163, to a responsive and responsible bidder or offeror. The Town of Sandy Creek Town Board hereby determines that it is in the best interest of the Town of Sandy Creek and its residents for the Town of Sandy Creek to have the authority to award purchase contracts on the basis of best value.

**SECTION 2: FACTORS**

Factors that may be used to enact the “best value” option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder are:

1. Lowest cost of maintenance for good(s) or service(s);
2. Durability of good(s) or service(s);
3. Higher quality of good(s) or service(s); or
4. Longer product life of good(s) or service(s).

**SECTION 3: PROCESS**

The Town of Sandy Creek may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law § 163, to a responsive and responsible bidder or offeror.

1. Where the basis for award is the best value offer, the Town of Sandy Creek shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
2. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town of Sandy Creek in its determination of best value.
3. The election to award any such contract on the basis of best value shall be made by the appropriate Department Head and Town Board. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with this local law.

**SECTION 4: SEVERABILITY**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5: EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of Secretary of State.

**RESOLUTION 59-19**

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

ADOPTED - 4 Ayes Ridgeway, Gove, Warner, Scheppard

0 No

1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek will renew the apartment lease agreement with Michael C. Kastler for $625 per month effective July 2019.

The snow and ice agreement with the county was discussed again. The county is requesting a letter of intent, but has not provided their proposal in writing. Superintendent Kastler discussed the town purchasing a screen for sand and gravel.

**RESOLUTION 60-19**

On motion by Nancy Ridgeway, seconded by Ruth Scheppard, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Scheppard, Warner, Gove

0 No

1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek appoints Nancy Dingman as the Town of Sandy Creek representative to the Northern Oswego County Ambulance Board of Directors.

**NEW BUSINESS**

The Town of Richland is interested in an IMA with the Town of Sandy Creek for Dog Control. However, our DCO is currently Richland’s Deputy DCO. Deputy Scheppard stated that the Town Board may need to set a special meeting before August 14th to approve RFPs for the North Pond Resiliency Project.

**APROVAL OF BILLS**

**RESOLUTION 61-19**

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

ADOPTED - 4 Ayes Scheppard, Wood, Gove, Ridgeway

0 No

1 Absent Warner

**Resolved** that the bills be paid on Abstract #12 in the following amounts:

General Fund $ 279.09

Trust & Agency $ 9,660.34

**And** on Abstract #13 in the following amounts:

General Fund $ 23,354.22

Trust & Agency $ 6,348.80

Highway Fund $ 27,316.37

Water Project #3- H3 $ 22,025.65

Water District #1-SW $ 2,577.21

Water District #2-SW $ 383.54

Water District #3-SW $ 15,307.03

**RESOLUTION 62-19 - BUDGET AMENDMENT**

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

ADOPTED - 4 Ayes Scheppard, Wood, Gove, Ridgeway

0 No

1 Absent Warner

**Resolved** that the Town Board of the Town of Sandy Creek directs the Town Supervisor to place the revenue from the sale of the 2010 Mack truck in line DA5130.2 of the current budget to be used toward the purchase of the new truck.

The next meeting of the Water Advisory Committee will be July 29th at 6 pm and the next regular monthly meeting of the Town Board will be August 14th at 7 pm.

**On motion** by Nancy Ridgeway, and seconded by Nola J. Gove, and carried unanimously, the meeting was adjourned at 9:11 pm.

Respectfully submitted,

Tammy L. Miller, RMC

Town Clerk