**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:** October 13, 2021

**Kind of Meeting:** Regular Meeting

**Place:** Town Hall

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

 Ruth E. Scheppard Tammy L. Miller

 Nola J. Gove Anthony Young

 John W. Wood, Jr. Michael G. Yerdon

 Dave Warner Brittany M. Washburn

 Michael C. Kastler

 Wayne Miller

 Shirley Rice

 Carol Rohrmoser

 Pat McDougal

 Tim Ridgeway

 Nancy Dingman

 Teresa Stowell Hollis

 John Howland in @ 7:42 pm

 Byron Ellis

 Jessica Godfrey

 Ron Fisher, Jr.

 Bill Joyce

 Peggy Rice

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

**RESOLUTION 73-21**

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

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

 0 No

**Resolved** that the minutes of the September 8th meeting are approved as written.

**FINANCIAL REPORT**

The monthly financial report of the Supervisor for September 2021 was filed today in the Town Clerk’s office. The Town Board received a copy tonight.

**REPORTS:**

Sole Assessor- Rebecca Trudell’s report has been filed in the Town Clerk’s office. Supervisor Ridgeway summarized her report.

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

Highway/Water Superintendent – Michael C. Kastler filed his highway department report. He did not do a written water report this month. Mr. Harten is satisfied with the vault removal so far. However, the ground will likely settle there. The vault will be installed at the new location next week. Mr. Kastler intends to remove two ash trees behind the Town Hall. There is also a tree at Stevens Cemetery that needs to be removed.

Legislator – Michael Yerdon reported on the Co Rt 15 bridge project. Progress is being made to replace and relocate the bridge located near Sandy Island Beach State Park. The County Legislature meets tomorrow at 2 pm. They will be voting on a resolution establishing the Office of Strategic Initiatives and establishing associated positions to be funded by American Rescue Plan Act. They plan to appoint David Turner as director. A computer program has been purchased for this new department and they hope to be able to assist the towns with their ARPA funding. There is no report yet on the $3.3 million shared services funding.

Historian – Peggy Rice’s written report for September has been filed in the Town Clerk’s office. She reported on changes, donations, and visitors to the History Center. She also thanked Town Clerk Miller, Deputy Washburn and Supervisor Ridgeway for their help and support. She has been Historian for over one year now and enjoys the job.

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

Library – Library Director Jessica Godfrey distributed the October newsletter to the Town Board. The library participated in Fall Fest at the Oswego County Fairgrounds. It was a great success. On Saturday, October 2nd the grounds were packed with people. Over 100 people visited the library’s table for several giveaways in four hours. The library will host a children’s book fair on October 30th from 10 am to 1 pm. There are free items in the shed at the library. In-person programs will be starting again. Councilman Warner asked questions about the adult writing group. There are currently three participants.

NOCA – Representative Nancy Dingman reported that Vicki McShane was in charge of billing for NOCA for several years. She retired on September 30th. NOCA has contracted with a reputable billing company. The kitchen floor has been replaced. Emergency medical services are not considered essential and there is no government funding for EMS. Call volume is up and so are gas prices. NOCA is asking $109,865.40 for their contract with us for 2022.

Planning Board – The minutes of the October 6th meeting have been filed in the Town Clerk’s office. All but one member completed NYS Sexual Harassment training. There is a possible Site Plan pending. S&R Automotive is considering buying a building in the village.

**RESOLUTION 74-21**

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

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

 0 No

**Resolved** that the Town Board of the Town of Sandy Creek re-appoints Richard Machemer and William Joyce to the Sandy Creek Regional Planning Board for three-year terms beginning November 1, 2021 and expiring October 31, 2024 and appoints Sybil K. Cummins to fill the vacancy created by the resignation of Thomas Ready to the term expiring February 28, 2023.

Town Clerk – Tammy Miller reported that receipts and total disbursements for the month of September totaled $7,501.84. Of this total, $1,786.84 was town revenue. Gross sales of hunting, fishing and trapping licenses were $5,872.00. This report is on file in her office and available for public inspection.

**PUBLIC COMMENT: Ron Fisher, Jr.** of **Ross Park Dr** spoke about a proposal from the Upstate Freshwater Institute that he brought to a budget meeting. This proposal would study harmful algal blooms (HABs). Councilman Warner questioned the cost of the proposal- $23,120.00. Mr. Fisher is exploring other options. **Tim Ridgeway** of the **Lacona Fire Department** asked the Town Board to gift 25 feet of town property at the Town Barn to the Village of Lacona so the fire department can build an addition on the east side of the fire hall.

Engineers – Anthony Young of Barton & Loguidice was present to update the Town Board on the current water project. There is currently one mainline crew and one drill crew onsite. Approximately 93% of the total length of linear feet of water main has been installed. Approximately 73% of total water services have been connected. The PRV vault was moved to Upton Road. The Harten property has been backfilled and hydro seeded. The Office of the State Comptroller has approved increasing the maximum project cost. WD Malone is working on ordering more material and change orders will be required with the addition of the nine optional areas. There has been no final decision on the CEHA area. We are told that it has gone to a three member council at the DEC and they are discussing it daily. We hope the contractor can work until January and will return to finish the project in the spring of 2022. Mr. Young presented a map of remaining services at Sandy Pond Inlet. The town needs to figure out a way to get water to the Orlowski property since there is a property dispute in progress between the Braden and Harris families. B&L will develop a proposal for a possible Water District #4.

**OLD BUSINESS:**

Supervisor Ridgeway announced the next two budget meetings will be held on October 20th and 27th at 6 pm. The public hearing on the budget will be held on November 3rd at 6 pm.

**NEW BUSINESS:**

**RESOLUTION 75-21**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, 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 authorizes Town Supervisor Nancy Ridgeway to sign the agreement with Northern Oswego County Ambulance, Inc. for emergency ambulance services for 2022 for a total cost of $109,865.40.

**RESOLUTION 76-21**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, 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 authorizes the following EDU assignments:

 **Former Approved**

**Tax ID EDU EDU Property Location Property Owner**

027.00-04-28.14 N/A 0.50 Ouderkirk Rd Youker, K&C

018.00-01-25 2.00 1.00 56-60 Elms Rd Parker, M

027.12-02-23.06 N/A 0.50 Zahler Tract Anderson, T&T

027.12-02-23.07 0.50 0.50 100 Zahler Tract Bennett, W&A

027.12-02-23.08 N/A 0.50 Zahler Tract Novakowski, M&A

027.12-02-23.09 N/A 0.50 Zahler Tract Collins, J&L

027.12-03-02.05 N/A 0.10 Kiblin Shores Rd Kingsley, T&S

028.00-01-12.32 N/A 0.10 St Rt 3 (Co Rt 15) Herkala, D

028.00-01-12.34 N/A 0.10 St Rt 3 (Co Rt 15) Godbold, M&L

The EDU assignments on the optional areas with need to go to their appropriate full units now that the NYS Comptroller has approved the additional funding for the project.

**RESOLUTION 77-21**

Dave Warner presented the following resolution and moved that it be adopted:

**SUPPLEMENTAL BOND RESOLUTION DATED OCTOBER 13, 2021 OF THE TOWN BOARD OF THE TOWN OF SANDY CREEK AUTHORIZING THE ISSUANCE OF AN ADDITIONAL NOT TO EXCEED $3,000,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATION BONDS TO FINANCE THE ADDITIONAL COST OF A CERTAIN PROJECT CONSISTING OF THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM FOR WATER SERVICE AREA NO. 3 AND WATER SERVICE AREA NO. 5 WITHIN THE TOWN OF RICHLAND AND THE AMENDMENT OF THE PLAN OF FINANCING THEREOF.**

WHEREAS, the Town Board of the Town of Sandy Creek (the “Town”) had been asked to consider the formation of a water service area in the Town to be known as the Town of Sandy Creek Water Service Area No. 3 (“Water Service Area No. 3”) and the construction of a water distribution system within Water Service Area No. 3, pursuant to Article 12-C of the Town Law of the State of New York; and

WHEREAS, the Town has heretofore determined by resolution adopted on March 8, 2017 that the construction of a water distribution system within Water Service Area No. 3 and Water Service Area No. 5 within the Town of Richland constitutes a Type I action which will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) is required; and

WHEREAS, a Map, Plan and Report prepared by Barton and Loguidice, DPC, Consulting Engineers pursuant to Article 12 of the Town Law of the State of New York and entitled “Town of Sandy Creek Water Service Area No. 3” was filed with the Town Clerk for the Town on May 10, 2017; and

WHEREAS, the Town Board of the Town called for a public hearing to be held on June 14, 2017; and

WHEREAS, the notice of the public hearing was published in the official newspaper of the Town, Watertown Daily Times, and posted on the Town bulletin board pursuant to Section 209-q of the Town Law of the State of New York; and

WHEREAS, said public hearing was held on June 14, 2017 at 7:00 p.m., after notice, with all interested parties having been heard on the formation of proposed Water Service Area No. 3; and

WHEREAS, the Town Board at a meeting duly held on June 14, 2017, following the public hearing, had a full discussion pertaining to the proposed formation of Water Service Area No. 3 and the construction of a water distribution system therein, including the public comment received with respect thereto, with consulting engineers, Barton and Loguidice, DPC and the attorney for the Town, Allison J. Nelson; and

WHEREAS, the Town Board by resolution duly adopted on June 14, 2017 (the “June 14, 2017 Resolution”) approved the formation of Water Service Area No. 3, subject to permissive referendum; and

WHEREAS, notice of the adoption of the June 14, 2017 Resolution (the “Permissive Referendum Notice”) was published in the official newspaper of the Town, Watertown Daily Times, and posted on the Town bulletin board pursuant to the Town Law of the State of New York; and

WHEREAS, no petition requesting a vote on the June 14, 2017 Resolution was received by the Town within thirty days of the date of the publication of the Permissive Referendum Notice; and

WHEREAS, the Town has entered into an inter-municipal agreement with the Town of Richland to undertake the construction of a water distribution system within Water Service Area No. 3 as part of a joint project to construct Water Service Area No. 5 within the Town of Richland, at a total maximum cost of $13,966,000, of which a maximum of $10,000,000 is attributable to Water Service Area No. 3; and

WHEREAS, the Town received a notice from the New York State Department of Audit and Control, Albany, New York (the “Comptroller”), dated January 16, 2018, approving the application of the Town Board of the Town for permission to provide Water Service Area No. 3, as part of the above-reference joint project with the Town of Richland, and permit the said improvement in accordance with the description referred to in the June 14, 2017 Resolution, in the maximum amount of $10,000,000, with a total cost of the joint project not to exceed $13,966,000;

WHEREAS, the Town Board of the Town, by resolution duly adopted on March14, 2018 (the “Original Bond Resolution”), authorized a certain project for Water Service Area No. 5, consisting of the construction of a new inter-municipal water distribution system within Water Service Area No. 3 as part of a joint project to construct Water Service Area No. 5 within the Town of Richland, including the acquisition of equipment, machinery or apparatus (the “Purpose”) at a maximum estimated cost of $13,966,000 to be financed by the issuance of bonds and/or bond anticipation notes and one or more grants from the New York State Environmental Facilities Corporation (“EFC”); and

 WHEREAS, the Town Board has determined that the maximum estimated cost of the Purpose has increased by $3,000,000 (the “Additional Cost”) to a maximum estimated cost of $16,966,000; and

 WHEREAS, the Town Board has complied with the procedure set forth in Section 209-h of the Town Law for increasing the maximum amount proposed to be expended on the Project and has received the permission from the Comptroller of the State of New York as required by Section 209-h of the Town Law; and

WHEREAS, the Town Board desires to adopt this Supplemental Bond Resolution so as to approve the increase in the maximum estimated cost of the Purpose and the issuance of an additional not to exceed $3,000,000 of serial general obligation bonds to finance the cost of the Purpose ;

 NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Sandy Creek, Oswego County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. It is hereby determined and declared that the maximum estimated cost of the Purpose, as estimated by the Town Board, has increased by $3,000,000 to a maximum estimated cost of $16,966,000.

SECTION 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the additional principal amount of not to exceed $3,000,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

SECTION 3. It is hereby determined and declared that (a) the aggregate maximum cost of the Purpose, as estimated by the Town Board, is $16,966,000, (b) pursuant to the Original Bond Resolution, $13,966,000 has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose entirely from funds raised by the issuance of the Bonds, the bond anticipation notes authorized pursuant to the Original Bond Resolution and as hereinafter referred to and one or more grants from the New York State Environmental Facilities Corporation (“EFC”).

SECTION 4. It is hereby determined that said Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this Resolution will be in excess of five years.

SECTION 6. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the Bonds and the renewals of said notes and the power to prescribe the terms, form and content of the Bonds (including the use of substantially level or declining debt service), and said bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of such Bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any Bonds issued pursuant to this Resolution and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of the Bonds or any bond anticipation notes and to attest such seal.

SECTION 7. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable to the extent that funds are not available from other sources.

 SECTION 8. This Resolution shall constitute the Town’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

 SECTION 9. This Resolution, or a summary thereof, shall be published in full by the Clerk of the Town 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 official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the 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 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. In connection with the financing of the Purpose, the Town is hereby authorized to participate in the Drinking Water State Revolving Fund program (the “DWSRF Program”) administered by EFC. The Supervisor of the Town is hereby authorized to execute and deliver such documents as may be necessary to effect the participation of the Town in such DWSRF Program.

SECTION 11. This Resolution is not subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and shall take effect immediately.

The question of the adoption of the foregoing Resolution was seconded by Ruth E. Scheppard and duly put to vote on a roll call, which resulted as follows:

 Nancy Ridgeway AYE

 Ruth E. Scheppard AYE

 Nola J. Gove AYE

 John W. Wood, Jr AYE

 Dave Warner AYE

 The foregoing resolution was thereupon declared duly adopted.

Code Enforcement Officer – John Howland filed his report of building permits for September 2021 in the Town Clerk’s office. A Site Plan may be needed for the job trailer that is owned by Brian Wallis on US Rt 11.

STAT Communications has merged with a company and is now Doyle Security.

Due to an oversight by Town Clerk Miller at the Organizational Meeting, the Historian was not also named Records Management Clerk for 2021. She must hold this title to work independently in the archives room.

**RESOLUTION 78-21**

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, 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 appoints Peggy Rice as Records Management Clerk retroactive to January 1, 2021 for the calendar year.

**APPROVAL OF BILLS**

**RESOLUTION 79-21**

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

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

 0 No

**Resolved** that the bills be paid on Abstract #18 in the following amounts:

General Fund $ 350.80

Trust & Agency $ 10,602.72

**And** on Abstract #19 in the following amounts:

General Fund $ 18,086.46

Highway Fund $ 31,533.12

Water District #3- H3 $ 942,057.45

Dunes & Wetlands-H6 $ 3,000.00

Water District #1-SW $ 2,505.54

Water District #2-SW $ 9,443.20

Water District #3-SW $ 2,548.45

Trust & Agency $ 6,216.56

The next regular monthly meeting will be held November 10th at 7 pm.

**On motion** by Nola J. Gove, seconded by Ruth E. Scheppard, and carried unanimously, the meeting was adjourned at 8:06 pm.

Respectfully submitted,

Tammy L. Miller, RMC

Town Clerk