**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 25, 2023

**Kind of Meeting:** Special Meeting and Public Hearing **Place:** Town Hall

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

John W. Wood, Jr. Tammy L. Miller

Nola J. Gove Brittany M. Washburn

Ruth E. Scheppard@7:12pm Michael C. Kastler

Meg Sprague

**Absent:** Dave Warner Ron Fisher

**CALL TO ORDER:**

Supervisor Timothy D. Ridgeway called the meeting to order at 6:00 pm and opened the public hearing on proposed Local Law No. 3 of 2023 providing flood damage prevention. No one present spoke either for or against the local law. The public hearing was closed at 6:03 pm.

**RESOLUTION 106-23- APPROVING LOCAL LAW NO. 3 OF 2023**

The following resolution as drafted and proposed by the Attorney for the Town, was moved, seconded, and adopted:

**WHEREAS** the Town Board of the Town of Sandy Creek (the “Town Board”) finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Sandy Creek, and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life; and

**WHEREAS,** in order to minimize the threat of such damages the Town Board proposes legislation in the form of Local Law No. 3 of 2023; and

**WHEREAS**, proposed Local Law No. 3 of 2023 entitled “Flood Damage Prevention”, having been previously introduced by the Town Board, and the Town Board having duly scheduled a public hearing this evening to consider adoption of same, and at which time and place were heard all persons interested; and

**NOW THEREFORE,** **IT IS HEREBY RESOLVED,** by the Town Board of the Town of Sandy Creek that said proposed Local Law No. 3 of 2023 providing flood damage prevention; and it is further.

**RESOLVED**, that a certified copy of said Local Law No. 3 of 2023 in its final form be filed with the New York State Secretary of State in accordance with law; and

**RESOLVED,** that this Local Law in its final form shall become effective as provided by law upon its filing in the Office of the Secretary of State.

The adoption of the foregoing Resolution was moved by John W. Wood, Jr., and seconded by Nola J. Gove, the foregoing resolution was put to a roll call, which resulted as follows:

Timothy D. Ridgeway, Supervisor Aye

Ruth E. Scheppard, Councilperson Absent

Nola J. Gove, Councilperson Aye

Dave Warner, Councilperson Absent

John W. Wood, Jr., Councilperson Aye

**RESOLUTION 107-23**

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

ADOPTED - 3 Ayes Ridgeway, Gove, Wood

0 No

2 Absent Scheppard, Warner

**Resolved** that the Town Board of the Town of Sandy Creek authorizes the following Water Department bill splits - WD#1-62% and WD#3-38% for bills that are split between the two districts and the three-way split should now be WD#1-58%; WD#2-7%; and WD#3-35%.

Next, water district #3’s budget was reviewed in detail.

An Architectural/Engineering Consultant Agreement must be signed with Barton & Loguidice, D.P.C. for the Replacement of the Skinner Road over Blind Creek. We hope to have it for approval at the next special meeting.

**RESOLUTION 108-23 - ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

The following resolutions were moved, seconded and adopted:

**WHEREAS,** buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS,** collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Sandy Creek is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS,** the Town Board of the Town of Sandy Creek desires to use Building Energy Benchmarking, a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Sandy Creek; and

**WHEREAS**, as such the Town Board desires to establish a procedure or guideline for town staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE,** **IT IS HEREBY RESOLVED AND DETERMINED,** that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Town of Sandy Creek;

**Building Energy Benchmarking POLICY/procedures**

**§1. DEFINITIONS**

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Sandy Creek that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Town Clerk’s Office.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

**§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 1 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

**§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1 every year, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

**§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1 each year for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

**§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

**§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Sandy Creek including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**FURTHER RESOLVED**, the Town Board, in special session duly convened, does hereby authorize and direct the Town Supervisor or Town Clerk of the Town of Sandy Creek to execute such other and additional documents as may be required for to perfect the resolutions herein;

The adoption of the foregoing Resolution was moved by Timothey D. Ridgeway, seconded by Nola J. Gove, and duly put to vote, which resulted as follows:

Timothy D. Ridgeway, Town Supervisor Aye

Nola J. Gove, Councilwoman Aye

John W. Wood, Jr., Councilman Aye

Ruth E. Scheppard, Councilwoman Absent

Dave Warner, Councilman Absent

**THIS RESOLUTION WAS ADOPTED.**

**RESOLUTION 109-23**

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

ADOPTED - 3 Ayes Ridgeway, Gove, Wood

0 No

2 Absent Scheppard, Warner

**Resolved** that the Town Board of the Town of Sandy Creek authorizes Town Supervisor Timothy D. Ridgeway to send a letter to Carrie Selberg Robinson, Director of the Office of Habitat Conservation expressing support for the Sandy Pond and Barrier Beach project proposal being submitted under NOAA's Transformational Habitat Restoration and Coastal Resilience Grants program.

The Sole Assessor and her Clerk will attend the November 1st budget meeting to discuss a possible re-valuation. The Assessor’s clerk salary was discussed.

The operation and maintenance rate and EDU rate in Water District #3 was discussed. Water Superintendent Kastler will not recommend an increase in the water billing rate for 2024. He believes the town can hold it at $4.50 per thousand gallons of water in districts one and three for another year.

Councilwoman Ruth E. Scheppard entered the meeting at 7:12 pm.

**RESOLUTION 110-23**

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

ADOPTED - 3 Ayes Ridgeway, Scheppard, Gove

0 No

1 Absent Warner

1 Abstain Wood

**Resolved** that the Town Board of the Town of Sandy Creek authorizes Town Supervisor Timothy D. Ridgeway to sign the agreement with Northern Oswego County Ambulance, Inc. for emergency ambulance services for 2024 for a total cost of $115,584.37.

The IMA with the Village of Sandy Creek needs reviewing and a meeting should be scheduled early in 2024. Superintendent Kastler discussed the Water District #1 budget. A new highway truck was ordered October 11, 2022 and won’t be built until July of 2024. We need to contact Prosachik Law about a final bill and check with Brett McVoy to see if all easements have been received to file.

**On motion** by Nola J. Gove, and seconded by Ruth E. Scheppard, and carried unanimously, the meeting was adjourned at 7:47 pm.

Respectfully submitted,

Tammy L. Miller, RMC

Town Clerk