### MINUTES OF THE MEETING OF THE TOWN BOARD

TOWN OF SANDYCREEK 1992 HARWOOD DRIVE, POBOX 52 SANDYCREEK, NEW YORK13145-0052

**Date:** March14, 2018

**Kind of Meeting:** Regular Meeting

**Place:** Town Hall

**Board Members Present:** Nancy Ridgeway Others Present: Ruth E. Scheppard Tammy Miller

Nola J. Gove Brittany M. Washburn
John W. Wood, Jr. Allison J. Nelson, Esq.
Dave Warner Dustin J. Clark, P.E.

George Kalkowsky, I.E.

Wayne Miller Sharon Turo

# **CALL TO ORDER:**

TownSupervisor Nancy Ridgeway called the meeting to order at 7:04 pm with the Pledge of Allegiance. She then issued the following statement "I would like to say that the opinions of the Sandy Creek Republican Committee do not reflect the opinions of everyone in this room." regarding the recent endorsement of a candidate for Oswego County Family Court Judge.

# **APPROVAL OF MINUTES:**

# **RESOLUTION 26-18**

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

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

0 No

**Resolved** that the minutes of the February 14<sup>th</sup> meeting are approved as written.

#### FINANCIAL REPORT

The Februarymonthly financial report of the Supervisor wasmade available to the Town Board members today andwas filed in the Town Clerk's office.

#### **REPORTS:**

<u>Highway/Water Superintendent</u>—Supervisor Ridgeway explained that Superintendent Kastler was absent due to a medical issue and she read his report to those present. <u>Assessor</u>- Supervisor Ridgeway summarized Rhonda Weigand's report and it has been filed in the Town Clerk's office.

<u>Dog Control Officer</u> –Elisa Dunn was absent tonight. Her report is filed in the office of the Town Clerk. Supervisor Ridgeway asked her to write tickets to dog owners for expired dog licenses.

<u>Historian</u> – Charlene Cole's monthly report is on file in the Town Clerk's office. Mrs. Cole is still working on a grant for a roadside marker to be placed on the former site of the Blount Lumber Company.

<u>Town Justice</u>- The monthly reports of the Town Justices have been received by the Town Supervisor.

<u>Legislator</u> – Margaret Kastlerasked to be excused from the meeting tonight due to the snow. She asked Supervisor Ridgeway to pass along some information. On March 15<sup>th</sup> the Oswego County Legislature will vote to adopt a local law extending the residential building capital improvement exemption and on a local law to extend the Cold War veterans exemption under real property tax law. Septic System Replacement Grant Applications are available from the Oswego County Planning Department.

<u>Library</u> Library Director Jessica Godfrey asked to be excused due to the weather. She e-mailed her report and monthly newsletter.

<u>Planning Board</u> –No one was present from the Sandy Creek Regional Planning Board. <u>Water Advisory Committee</u>- Wayne Miller reported that there was no meeting in February. The next meeting is scheduled for March 26<sup>th</sup> at 6 pm.

<u>Code Enforcement Officer</u> – John Howland's report for the month of February is filed in the Town Clerk's office.

<u>Town Clerk</u> – Tammy Miller reported that receipts and total disbursements for the month of February totaled \$1,637.42. This report is on file in her office and available for public inspection. Approximately 470 second notices will be mailed this week for tax collection. The town budget was fully funded February 1<sup>st</sup> and \$1.5 million has been mailed to the Oswego County Treasurer. The standardized notice form for an onpremises alcoholic beverage license application was received from Angela Bulluck for Best Pizzaria at 3303 County Route 15 at Sandy Pond.

Engineers – Dustin J. Clark, P. E. of Barton & Loguidice, D.P.C. was present to update the board on its projects. A kickoff meeting regarding the sewer system study was held on February 21<sup>st</sup> with the NYSEFC and NYSDEC. He also met with Supervisor Ridgeway and Councilman Warner regarding the public survey for this study. The survey will likely be conducted April through June 2018. The aerial imagery for Water District #3 will be completed once the snow is gone. The legal services agreement for this project will be sent to the Town of Richland first then on to Sandy Creek. The WIIA grant application will be sent in again by May of this year. Dustin went over all the necessary steps to proceed with the water project. The sewer study was discussed. The cost will likely be close to \$1,000 per homeowner. Dustin answered questions regarding the possible public sewer system.

# **RESOLUTION 27-18**

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

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

**Resolved** that the Town Board of the Town of Sandy Creek authorizes Town Supervisor Nancy Ridgeway to execute the agreement for professional services between the Town of Sandy Creek and Barton & Loguidice, D.P.C. for the Sandy Creek-Richland Joint Water Project.

#### **RESOLUTION 28-18**

Ruth E. Scheppard presented the following resolution and moved that it be adopted:

BOND RESOLUTION DATED MARCH 14, 2018 OF THE TOWN BOARD OF THE TOWN OF SANDY CREEK AUTHORIZING CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM FOR WATER SERVICE AREA NO. 3 AND WATER **AREA** NO. 5 WITHIN **TOWN SERVICE** THE RICHLAND, AUTHORIZING THE ISSUANCE OF BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,966,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

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 proposed 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, <u>Watertown Daily Times</u>, 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, <u>Watertown Daily Times</u>, 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;

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. The Town is hereby authorized to construct a new inter-municipal water distribution system for Water Service Area No. 3 within the Town of Sandy Creek and Water Service Area No. 5 within the Town of Richland (the "Purpose"), at a total estimated maximum cost of \$13,966,000.

SECTION 2. The Town is hereby authorized to issue its general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$13,966,000 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 \$13,966,000,(b) the

Town Board has not previously authorized the expenditure of the funds necessary to finance 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 hereinafter referred to and 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. The Town Board hereby affirms the execution and delivery on behalf of the Town, of a certain document entitled "Agreement of Municipal Cooperation for Construction, Financing, Operation, and Maintenance of an Inter-Municipal Water System for the Sandy Creek-Richland Joint Water Project" (he "Agreement") substantially in the form presented at this meeting. The power to approve amendments to the Agreement is hereby delegated to the Supervisor, after consultation with the Town attorney and Bond Counsel.

SECTION 9. This Resolution 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. The firm of Barclay Damon LLP is hereby appointed Bond Counsel of the Town in connection with the Bonds and notes herein authorized.

SECTION 12. This Resolution is not subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and shall take effect immediately.

# MOTION PASSED AS FOLLOWS:

	<u>VOTING</u>
Nancy Ridgeway, Supervisor	Aye
Ruth E. Scheppard, Councilman	Aye
Nola Gove, Councilwoman	Aye
Dave Warner, Councilman	Aye
John W. Wood, Jr., Councilman	Aye

PUBLIC COMMENT: Sharon Turo, Village of Sandy Creek Trusteewas present to share some information she learned at a recent Mayors Conference in Mexico, NY. Steve Giarrusso, a Research Biologist, Certified 3A Operator and Chief Operator of the Wastewater Treatment Facility of the Village of Minoa, NY did an extremely interesting presentation at that meeting. Ms. Turo explained that this was a new way of looking at wastewater and gray water. She believes it would be an important educational opportunity if Mr. Giarrusso could speak to the Town Board and the Boards of Trustees for both the Villages of Sandy Creek and Lacona about his facility. Dustin Clark explained that biological treatment is the up and coming technology. This often includes the creation of engineered wetlands. There is grant money available for these innovative approaches. Ms. Turo agreed to set up a field trip and presentation date for all three boards.

#### OLD BUSINESS

Two proposals were received for a Power Purchase Agreement(PPA) for Solar Photovoltaic Facilities. No discussion was held and no decision was made regarding the proposals. Councilman Wood picked up a NY Solar Guidebook at the Association of

Towns school. He also listed the eleven classes he attended there. Copies of the information he obtained will be made for other board members upon request.

# **RESOLUTION 29-18**

On motion by Nancy Ridgeway, seconded by Dave Warner, the following resolution was ADOPTED - 5 Ayes Ridgeway, Gove, Scheppard, Wood, Warner 0 No

**RESOLVED** that the Town Board of the Town of Sandy Creek does not authorize the removal of the water penalty charge or late fee from C. Jason Walter's November 2017 delinquent water bill (account # 0831) or from any other water bills now or in the future.

# **RESOLUTION 30-18**

**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 accepts the annual audits of Town Justice Crast and Town Justice Stoker for 2017 as completed on March 8, 2018 by Nola J. Gove.

#### **RESOLUTION 31-18**

**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 accepts the annual audit of the Town Supervisor for 2017 as completed on March 6, 2018 by Nola J. Gove.

# **RESOLUTION 32-18 - STANLEY DRIVE DEDICATION**

**WHEREAS**, the New York State Department of Environment Conservation has requested that the Town Board of the Town of Sandy Creek accept the dedication of a highway located in the Town of Sandy Creek, known as Stanley Drive; and

**WHEREAS**, the Town Board of the Town of Sandy Creek has considered accepting the dedication of Stanley Drive; and

**WHEREAS**, the Town Board deems that the dedication of Stanley Drive is in the best interests of the Town of Sandy Creek, and

**WHEREAS**, the Town of Sandy Creek Superintendent of Highways, Michael Kastler, has inspected Stanley Drive and has advised the Town Board that the highway is not less than three rods in width, and meets the Town of Sandy Creek's Highway Specifications, and

**NOW THEREFORE**, on motion made by NANCY RIDGEWAY and seconded by RUTH SCHEPPARD, be it resolved as follows:

- 1. That the Town Board of the Town of Sandy Creek hereby accepts the dedication of a certain highway in the Town of Sandy Creek, known as Stanley Drive, and more particularly described in Schedule A, pursuant to Highway Law Section 171.
- 2. That said highway shall be added to the Town's highway inventory and shall be maintained, repaired and kept free from obstruction by the Town.
- 3. That the Town Superintendent of Highways is hereby directed to sign and file an order laying out the highway with the Town Clerk.
- 4. That the Town Supervisor is hereby authorized to sign all documents necessary to accept the dedication of the highway known as Stanley Drive.

# The motion passed as follows:

NANCY RIDGEWAY, Supervisor	AYE
RUTHE. SCHEPPARD	AYE
NOLA J. GOVE	AYE
DAVE WARNER	AYE
JOHN W. WOOD, JR.	AYE

## **NEW BUSINESS**

#### **RESOLUTION 33-18**

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

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

**RESOLVED** that the Town Board of the Town of Sandy Creek accepts the annual software support contract for the Building & Codes Enforcement program from Williamson Law Book Company for 3/1/18 through 2/28/19 for \$416.00.

On April 11<sup>th</sup> at 10 am the Oswego County Office for the Aging will host The NY Citizen Preparedness TrainingProgram at the Sandy Creek Town Hall.

#### **RESOLUTION 34-18**

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

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

**RESOLVED** that the Town Board of the Town of Sandy Creek accepts NYMIR Cyber Breach and Liability Coverage for the annual premium of \$484.00.

Councilman Wood would like the Town Board to agree on a standard PILOT agreement for solar companies. There is a formula to consider adopting in the NY Solar Guidebook. Copies of the PILOT section will be made for the board.

# APROVAL OF BILLS RESOLUTION 35-18

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

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

 $0 \, \mathrm{No}$ 

**Resolved** that the bills be paid on Abstract #4 in the following amounts:

General Fund \$ 309.55 Trust & Agency \$ 11,448.98

**And** on Abstract #5 in the following amounts:

General Fund \$ 110,149.76 Trust & Agency \$ 9,317.80 Highway Fund \$ 30,192.40 Water District #1-SW \$ 3,020.47 Water District #2-SW \$ 589.15 Water District #3-H3 \$ 526.50

Supervisor Ridgeway issued the following statement before the meeting adjourned: "We have a lot of progressive opportunities right now in our town. Water projects, sewer studies, solar farms, enlisting cell phone companies to go on our water tower are just a few. I am afraid that I will miss something very important to our town. I need help from the board. If I am doing something wrong you need to tell me and we will work on it. I know everyone is busy but this is a commitment you have made."

**On motion** by Nancy Ridgeway, seconded by Nola J. Gove and carried unanimously, the meeting was adjourned at 8:29 pm.

The next regular monthly meeting will be heldApril11<sup>th</sup> at 7 pm.

Respectfully submitted,

Tammy L. Miller, RMC Town Clerk