**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 12, 2023

**Kind of Meeting:** Regular Meeting

**Place:** Sandy Creek Town Hall

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

 Dave Warner Michael G. Yerdon, Legislator-left @7:47pm

 Nola J. Gove Tammy L. Miller

 Ruth E. Scheppard Michael C. Kastler

**Absent:** John W. Wood, Jr**.** Pat McDougal

 Bill Joyce

 Ron Fisher

 Julie Cronk

 Wayne Miller

 Jessica Godfrey

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

**RESOLUTION 67-23**

On motion by Ruth 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 minutes of the June 14th meeting are approved as written.

**REPORTS:**

**Highway/Water Superintendent** - Michael C. Kastler read his highway report. The town has been awarded $1.078 million for the Skinner Road Culvert Project. This is 100% of the cost, but the town must front the money. Oswego County received shared services funding from NYS. The town doesn’t know what our portion will be. Residents are still installing water services in Water District #1, and many are upgrading their meter readers. The punch list for Water District #3 is complete except for one item. There are some items to complete on Sunset Lane in WD#1. A wish list was written to spend the remaining WD#3 project funds including spare parts and upgrades to the SCADA system. Town Clerk Miller picked up easement and stub search paperwork from Prosachik Law Firm. The final bill has not been received. On July 4th an incident occurred in Richland. A water valve failed to open, and staff failed to follow proper communication protocols. As a result, the level of water in the Sandy Creek water tower fell from approximately 18 feet of water to approximately 2 feet. Water Superintendent Kastler was not notified. The Town of Richland requested assistance from Sandy Creek Water Operator Pappa resulting in holiday overtime. The Town of Richland will be reviewing their notification process. Town of Richland Supervisor Yerdon and Water Supervisor Novak met with Supervisor Ridgeway and Superintendent Kastler. They informed us that the cost of water is now calculated at $4.16 per thousand gallons of water. Richland wants to hold the rate that they sell water to the Town of Sandy Creek at $4.50 per thousand. Superintendent Kastler is not happy that they insist on profiting 34 cents for every thousand gallons of water that Sandy Creek residents use. There are still many questions and inconsistencies on the excel spreadsheets provided to us regarding the finances of the Richland water department. The percentage of water unbilled shows 11% on all four spreadsheets provided. There is one sheet for 2021 and three sheets for 2022. These items raise many questions. The two Intermunicipal Agreements need to be reviewed. The town may need to compose a letter to Richland or audit their books.

**RESOLUTION 68-23**

On motion by Nola J. Gove, seconded by Ruth E. Scheppard, 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 authorizes the Town Clerk to prepare a Request for Proposals for an auditor to audit the Town of Richland water department.

Pat McDougal asked if the option of a water salesman in the CEHA area is in the current water project. That idea was never pursued. Wayne Miller asked what advantage the Zenner water meter readers provide. It was suggested that the IMAs have language regarding increases in the water rate.

Superintendent Kastler also reported that the county was notified in March that the snow and ice agreement needed to be negotiated for the 2023 – 2024 winter season. The request was not acknowledged. Legislator Yerdon reported that Paul House is now heading that committee. The town highway superintendents would like a 3-year agreement at $9,000 per mile.

**Sole Assessor** - Rebecca Trudell’s monthly report has been filed in the Town Clerk’s office. The final assessment roll is posted on our website. She will be at training next week. Field work will resume in August.

**Dog Control Officer** - Anne Derr’s monthly report has been filed in the Town Clerk’s office.

**Historian** - Peggy Rice filed a written report for June. The cemetery fence was installed this week.

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

**Legislator** - County Legislator Michael Yerdon reported that Camp Zerbe opened Monday, July 10th for six weeks of day camp. Thirty campers aged twelve and under will be provided with breakfast, lunch and a snack. Engineers have been hired to design a new bathhouse near the lodge. A new, larger septic system was installed there last year. The buildings will be upgraded, and the trails will be reconfigured into loops. All wetlands will be avoided. The legislator will be voting on a revised law for EMT’s and fire personnel on July 13th. The law will now qualify these individuals after two years of service. The Lacona Fire Department will be getting $30,000 of county ARPA funds. Legislator Yerdon secured approximately $500,000 of funding for the Oswego County 1st District.

**Library** - Library Director Jessica Godfrey was present to update the board on various activities at the Annie Porter Ainsworth Memorial Library. The 2023 Summer Reading Program began with a story walk and STEAM activities. The library has museum and park passes that families may check out for one week. This popular program allows entry at 50% off or for free depending on the facility. Ms. Godfrey has contacted other sites asking them to participate in the program. A school social worker will be providing mental health education and resources for teens on a couple Mondays this summer with free ice cream. Family movie nights will be held on some Fridays with free popcorn. Mega Bubble Man was extremely popular drawing about 100 attendees. The Twin Magicians will be performing on July 29th. Zoo NY will be at the library on August 19th. Local musicians, High Adventure Band, will perform on August 26th at 6:30 pm.

**NOCA** – Nancy Dingman emailed her report for Northern Oswego County Ambulance.

**Planning Board** – Bill Joyce reported on the July 5th meeting of the Sandy Creek Regional Planning Board.

The Village of Sandy Creek local solar law was adopted that evening. Terie Delahunt attended the meeting to ask about local laws. Her neighbor placed a dock at a 45 degree angle in front of her cottage blocking her view of the water. The northern half of North Pond is privately owned. The planning board doesn’t recommend any legislation regarding underwater property at this time. A public hearing was scheduled for 7:30 for a dog daycare business, but the applicant was not present. The site plan review steps were not done in the proper order and the board had some questions. Therefore, the public hearing was postponed to August 2nd. The Comprehensive Plan does need updating.

**Code Enforcement Officer** – John Howland’s list of permits and violations for June has been filed. The Kent property violation case is scheduled for August 4th in State Supreme Court.

**Town Clerk** – Town Clerk Tammy Miller reported that the total receipts and disbursements for the month of June totaled $3,286.00 of which $3,179.04 was town revenue. FEMA and NYS DEC sent maps and information regarding local flood prevention and insurance. There are steps the town must take to insure coverage.

**Upstate Freshwater Institute**- Ron Fisher was present to give an update on recent studies. The pond is currently good with no algal blooms. UFWI provided Mr Fisher with test kits to monitor the pond water. Two other studies are being conducted; one on microplastics and one on organics (pharmaceuticals).

Supervisor Ridgeway reported that there is nothing new with the CEHA issue.

**PUBLIC COMMENT –** Pat McDougal asked about the school parking lot reconstruction. The VFW is interested in obtaining millings. Superintendent Kastler stated that the county usually has a list for requests for millings.

**OLD BUSINESS**

The Town Board needs a special meeting in the future to discuss updates to the employee handbook.

**RESOLUTION 69-23**

On motion by Nola J. Gove, seconded by Timothy D. Ridgeway, the following resolution was

ADOPTED - 3 Ayes Ridgeway, Gove, Scheppard

 0 No

 1 Abstain Warner

 1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek appoints Kathryn Erhardt to the position of Court Clerk at a pay rate of $18 per hour.

**NEW BUSINESS**

**RESOLUTION 70-23**

On motion by Nola J. Gove, seconded by Dave Warner, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Scheppard, Gove, Warner

 0 No

 1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek will renew the apartment lease for another year with Michael C. Kastler, Jr.

**RESOLUTION 71-23**

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

ADOPTED - 4 Ayes Ridgeway, Gove, Scheppard, Warner

 0 No

 1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek approves the revised agreement (adding the requirement of background checks) with the Towns of Boylston and Orwell and the Villages of Lacona and Sandy Creek for a joint youth recreation program with a budget not to exceed $32,982.00.

**RESOLUTION 72-23**

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

ADOPTED - 4 Ayes Ridgeway, Gove, Scheppard, Warner

 0 No

 1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek authorizes Supervisor Ridgeway to sign the letter supporting and agreeing to the Annie Porter Ainsworth Memorial Library’s application to the NYS Public Library Construction Grant Program for broadband and equipment cost upgrades.

**RESOLUTION 73-23 - APPROVING CODE OF ETHICS**

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

**WHEREAS**, the citizenry of the Town of Sandy Creek (hereinafter the “Town”) are entitled to the expectation of exemplary ethical behavior from elected and appointed officials, as well as employees of the Town; and

**WHEREAS**, the Town has elected to adopt this Code of Ethics to comply with Article 18 of the General Municipal Law; and

**WHEREAS,** it is intended that this Code of Ethics shall establish the minimum standards for that exemplary ethical behavior and shall repeal and replace any prior Code of Ethics adopted by the Town hereto prior; and

**NOW THEREFORE, IT IS HEREBY RESOLVED**, that the following policy is enacted and shall henceforth be known as the Code of Ethics for the Town of Sandy Creek:

SECTION 1 Policy STATEMENT

Pursuant to the provisions of General Municipal Law, the Town Board recognizes that there are rules of ethical conduct for elected officials and employees which must be observed so as to maintain a high degree of moral conduct and public confidence. Therefore, the Town Board has adopted rules of ethical conduct. These rules are in addition to Article 18 of the General Municipal Law and any other law pertaining to ethical conduct or interest in contracts.

SECTION 2 DEFINITIONS

For the purposes of the Town of Sandy Creek’s Code of Ethics, the following terms shall have the following meanings:

INTEREST – Refers to a pecuniary or material benefit accruing to an officer or employee, unless the context otherwise requires.

OFFICER or EMPLOYEE – Refers to an officer or employee of the Town of Sandy Creek, whether paid or unpaid, including members of any board, commission or other agency thereof.

SECTION 3 STANDARDS OF CONDUCT

Every Officer or Employee is subject to and must abide by the following standards of conduct:

Gifts. An Officer or Employee may not solicit any gift or accept or receive any gift having a value of $75.00 or more, whether in the sum of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that such gift was intended to influence the Officer or Employee or could reasonably be expected to influence the Officer or Employee in the performance of official duties or was intended as a reward for any official action on the Officer’s or Employee’s part.

Confidential Information. An Officer or Employee may not disclose confidential information acquired in the course of official duties or use such information to further personal interest.

Representation Before One’s Own Agency. An individual may not receive or enter into any agreement, express or implied, for compensation for services to be performed in relation to any matter before any Town agency of which the individual is an Officer, Member or Employee or of any Town agency over which the individual has jurisdiction or to which the individual has the power to appoint any Member, Officer or Employee.

Representation Before Any Agency for a Contingent Fee. An Officer or Employee may not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the Town, whereby the Officer’s or Employee’s compensation would be dependent or contingent upon any action by such agency with respect to such matter, provided that this provision shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

Disclosure of Interest in Legislation. To the extent that he or she knows thereof, a Member of the Town Board and any Officer or Employee of the Town, whether paid or unpaid, who participates in the discussion of or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.

Investments which Conflict with Official Duties. Any Officer or Employee may not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with the Officer’s or Employee’s official duties.

Private Employment. An Officer or Employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the property discharge of the Officer’s or Employee’s official duties.

Future Employment. No Officer or Employee, within two (2) years from the termination of services or employment with the Town, may accept employment which will involve contacts with the Town in which such employment takes advantage by virtue of ones’ prior contact and relationship with the Town.

Future Representation Before the Town. An Officer or Employee shall not, after the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which the Officer or Employee personally participated during the period of service or employment or which was under the Officer’s or Employee’s active consideration. This does not preclude re-employment by the Town.

SECTION 4 PENALITES FOR OFFENSE

In addition to any penalty contained in any other provision of law, any Officer or Employee who shall knowingly violate any of the provisions of this Code of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 5 Annual Review

This Code of Ethics shall be reviewed annually, unless otherwise prescribed by law, by the Town Board at its organizational meeting or as soon thereafter, as is reasonably practicable.

Section 6 Effective Date

This Code of Ethics shall take effect immediately upon adoption by resolution by the Town Board of the Town of Sandy Creek; and it is further

**RESOLVED**, that a certified copy of said Code of Ethics in its final form shall be distributed to all elected and appointed officials, as well as all employees of the Town.

The adoption of the foregoing Resolution was moved by Ruth E. Scheppard, and seconded by Dave Warner, the foregoing resolution was put to a roll call, which resulted as follows:

Timothy Ridgeway, Supervisor Aye

Ruth E. Scheppard, Councilwoman Aye

Nola J. Gove, Councilwoman Aye

Dave Warner, Councilman Aye

John W. Wood, Jr., Councilman Absent

**RESOLUTION 74-23 – Amending Form E #24**

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

ADOPTED - 4 Ayes Ridgeway, Gove, Scheppard, Warner

 0 No

 1 Absent Wood

**RESOLUTION** OF THE TOWN BOARD, TOWN OF SANDY CREEK, OSWEGO COUNTY, NEW YORK, accepting Revisions to the “Town of Sandy Creek and Richland Joint Water Project”, Capital Project as administered through USDA Rural Development. The Town Board hereby modifies the following Administrative and Construction Direct Expenditures budget items to the upcoming Form E #24:

**A.4** Net Interest Expense – move $49,879.30 from contingency to budget line;

**A.8** Single Audit – move $33,000.00 from contingecy to budget line;

**A.11** Legal – Joseph W. Russell, P.C. – move $23,739.50 to contingency from budget line;

**C.2c** Valve Boss/Hydrant Adapter – Blair Supply – create budget line and move $3,285.00 from contingency;

**C.2d** AquaLogics – SCADA Upgrades – create budget line and move $8,084.00 from contingency.

The reason for these modifications is to add in net interest expense from the $3M BAN borrowings for the increase cost of the project; add additional fees for the single audit for FY ending 2021 and 2022; close out legal services line for Joseph W. Russell, P.C. and add direct expenditure line items approved by USDA-RD.

tHis BUDGETARY modification RESULTED IN a TOTAL DECREASE of CONTINGENCy BY $70,508.80, making total CONTINGENCY, $20,379.85 on the upcoming form E #24.

**WHEREAS**, the Town of Sandy Creek, Town Board has reviewed the Form E Capital Outlay Budget category and,

**NOW, THEREFORE, THE TOWN OF SANDY CREEK, TOWN BOARD HEREBY RESOLVES AS FOLLOWS:**

The following vote was taken and recorded in the public or open session of said meeting:

Timothy D. Ridgeway, Town Supervisor VOTING AYE

Ruth E. Scheppard, Councilwoman VOTING AYE

Nola J. Gove, Councilwoman VOTING AYE

Dave Warner, Councilman VOTING AYE

John W. Wood, Jr., Councilman ABSENT

**The resolution was thereupon declared duly adopted.**

**RESOLUTION 75-23**

On motion by Nola J. Gove, seconded by Timothy D. Ridgeway, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Gove, Scheppard, Warner

 0 No

 1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek will decline acceptance of the SAM grant for the Richland Sandy Creek Joint Water Project.

**TRANSFER OF FUNDS**

**RESOLUTION 76-23**

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

ADOPTED - 4 Ayes Ridgeway, Gove, Scheppard, Warner

 0 No

 1 Absent Wood

**Resolved** that the Town Board of the Town of Sandy Creek authorizes the following transfers of funds:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| FROM Line # | Description | TO Line # | Description | $ Amount |
| SW3-9710.7 | SERIAL BONDS INTEREST | H3-9730.7 | SERIAL BONDS INTEREST | $112,009.32 |
| SW3-391 | DUE FROM OTHER FUNDS | H3-8397.2 | (COVER WD MALONE CHECK) | $32,800.00 |
| SF1-2401 | SCFD INTEREST | A2401 | GENERAL FUND INT | $1,050.11 |
| SF2-2401 | LFD INTEREST | A2401 | GENERAL FUND INT | $422.53 |

**APPROVAL OF BILLS**

**RESOLUTION 77-23**

On motion by Ruth 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 bills be paid on Abstract #12 in the following amounts:

General Fund $ 737.01

Trust & Agency $ 13,291.87

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

General Fund $ 22,839.57

Highway Fund $ 31,800.29

Water District #3- H3 $ 18,892.50

Water District #1-SW $ 1,677.00

Water District #2-SW $ 360.06

Water District #3-SW $ 8,136.07

Trust & Agency $ 7,736.56

The next regular monthly meeting will be held August 9th at 7 pm

**On motion** by Nola J. Gove, and seconded by Timothy D. Ridgeway, and carried unanimously, the meeting was adjourned at 8:27 pm.

Respectfully submitted,

Tammy L. Miller, RMC

Town Clerk