**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:** September 11, 2019

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

**Place:** Town Hall

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

Dave Warner Brittany M. Washburn

Ruth E. Scheppard Tammy L. Miller

Nola J. Gove Margaret Kastler, Legislator

John W. Wood, Jr Rebekah Prosachik, Esq.

Michael C. Kastler

Dustin Clark, P.E.

Chelsea M. Brouty, I.E.

Jessica Godfrey

Norma Newman

Pat McDougal

Jared Lusk

John Howland Becky Trudell

Brian Wallis

Nancy Dingman

Chris Veraguas

Eric Pappa

**CALL TO ORDER:**

Town Supervisor Nancy Ridgeway called the meeting to order at 7:02 pm with the Pledge of Allegiance.

She read a statement from Governor Cuomo regarding 9/11.

**PUBLIC HEARING on Verizon Wireless facility**

At 7:04 pm Supervisor Ridgeway opened the public hearing to consider leasing property to allow Verizon Wireless to co-locate a wireless telecommunications facility on the existing water tank located at 91 Weaver Road; Tax Map No. 18-1-18.07. No one spoke for or against this facility and the public hearing was closed at 7:05 pm.

**BID OPENINGS**

Town Clerk Miller opened and read aloud three sealed bids for geotextile products as part of the North Sandy Pond Resiliency Project as follows:

TenCate Geosynthetics $ 94,500.00 base bid

Geo-Synthetics Systems LLC $ 82,104.00 base bid

Axela Services LLC $118,176.80 base bid

And one sealed bid to implement beach and dune restoration on the barrier spit north of the current channel as part of the North Sandy Pond Resiliency Project from Brian Wallis of B.D.S. Interior/Exterior LLC for $279,998.50. Mr. Wallis and Superintendent Kastler discussed the project with the Town Board. Mr. Wallis spoke with the DEC previously and believes that there are several ways to save money and get more material dredged. The Town Board tabled the bids to be awarded or rejected at a later date.

**APPROVAL OF MINUTES:**

**RESOLUTION 70-19**

On motion by John Wood, seconded by Ruth Scheppard, the following resolution was

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

0 No

**Resolved** that the minutes of the August 14th 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:**

Assessor- Rhonda Weigand’s monthly report is on file in the Town Clerk’s office. Supervisor Ridgeway announced that Mrs. Weigand’s term expires 9/30/2019 and she is not asking to be re-appointed for the next six year term. The vacancy has been advertised and the Town Board plans to interview applicants. She introduced Rebecca Trudell who is a Sole Assessor in Cape Vincent and is interested in the position in Sandy Creek.

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

Highway/Water Superintendent –Mike Kastler read his report. He discussed his concerns with the county snow and ice agreement with the Town Board. Attorney Prosachik met with the county’s attorney regarding questions and concerns with the agreement. A three year contract with no escalation in payment is not acceptable. She will have more information next week about possible amendments to the agreement. Mr. Kastler would like Attorney Prosachik to send a letter asking for our sand to be screened ASAP and stating that if the agreement is not signed the town will pay the bill for it. Our sand has been ready in August for the past 13 years. Legislator Margaret Kastler told the County Legislature that many towns are unhappy with the agreement. Superintendent Kastler said that Richland was shorted approximately 100 loads of sand this year. In the past towns have been shorted and then billed by the county. Attorney Prosachik said that there is a county Infrastructure Committee meeting on September 30th. However, the meetings tend to be only about 20 minutes long so it is uncertain if the agreement with be discussed.

Superintendent Kastler reported that Phil Widrick has called him a couple times regarding the town’s interest in buying his building for the Highway Department. He is trying to decide if he is going to list it with a realtor. He will hold off on the listing if the town is still interested. Supervisor Ridgeway said the town needs to know his asking price. Superintendent Kastler said that it will likely take $50,000 to $100,000 to renovate the building for highway department use. A structural engineer needs to survey the building. Cazenovia Equipment has a lease there until June of 2020.

Superintendent Kastler has asked Sam Wilkinson of Solar Generation for a bond to cover Seber Shores Road during construction of the solar array there. He also noted that no heavy truck traffic is allowed on that road in the spring.

Superintendent Kastler reported that the town is still waiting for NYSDEC to finalize their review of the Water District #3 project.

Historian – Charlene Cole’s monthly report was e-mailed to the Town Board and is on file in the Town Clerk’s office.

Judges – Supervisor Ridgeway reported that the Town Justices have filed their monthly financial reports with her.

Legislator – Margaret Kastler reported that the Oswego County Legislators’ meeting is September 12th at 7 pm in Oswego. The Legislature will be voting on the consolidation of the Town of Sandy Creek, Village of Lacona and Village of Sandy Creek’s vital statistics registrar districts into one Town of Sandy Creek district #3765. Oswego County’s tax foreclosed properties auction will be held October 5th at 10 am at Mexico Academy and Central School. Legislator Kastler thanked all who took part in her retirement picnic on September 6th. She thought the food was delicious and she loves the beautiful clock that she received as a gift for all of her years of service in the Towns of Sandy Creek, Redfield, and Boylston.

Library – Library Director Jessica Godfrey presented the board with her monthly newsletter. The library received a NCLS outreach grant for 38 new large print books and the Pulaski Lions Club donated 50 magnifiers to be given away. Free new large print books will be given to those that sign out a new large print book and fill out a survey. Tech Play Day will be held on Saturday, September 14th. This event is for kids, teens and adults. Kids and teens were able to enter once for every book they read over the summer for a raffle for summer reading tech baskets that included a Kindle Fire 7. There were over 305 kids’ entries and over 150 teen entries. Over 184 people participated in the summer reading program. Hands-on activities really help promote summer attendance. The Overbooked Book Club, Knit & Crochet Club, Adult Writing Club and CrafterNoons continue each month.

NOCA - Nancy Dingman, Town of Sandy Creek’s representative on the Northern Oswego County Ambulance Board of Trustees was present to update the Town Board. She explained that NOCA is asking for a budget increase from the Town of Sandy Creek in 2020. The requested amount is $105,739.00. This budget request has not been increased since 2016. However, the 2020 amount is still less than the town paid in 2011. Wages are the reason that the budget must increase.

Planning Board – There was no report from the Sandy Creek Regional Planning Board. The board will be meeting at the Village offices on the first Wednesday of each month at 7 pm until further notice.

Water Advisory Committee- Minutes from the August 26th meeting have been filed. Chairman Newman plans to discuss the 0.25 EDU assignment for camping trailers being consistently used on parcels in the water districts at the special joint meeting with the Town of Richland on September 17th.

Code Enforcement Officer – John Howland’s report for August is on file in the Town Clerk’s office and available for public inspection. The town’s ISO rating will be dropping from 8 to 4. This is good for homeowner’s insurance. He believes the Village of Lacona’s ISO rating is also a 4 now. Of the six violation notice letters that Attorney Prosachik mailed, two have complied, two have been given extra time, and two have done nothing. Those will be sent to court in September.

Town Clerk – Tammy Miller reported that receipts and total disbursements for the month of August totaled $6,230.25. Of this total, $2,787.29 was paid to Supervisor Ridgeway for town revenue. This report is on file in the Town Clerk’s office and available for public inspection. Harassment and Discrimination Training feedback quizzes and policy receipts are due in the Town Clerk’s office on October 1st. All elected and appointed officials, employees and volunteers must comply. A workshop organized by the Tug Hill Commission entitled “Fundamentals of Water and Wastewater Facilities for Municipalities” will be held on October 29th at Tailwater Lodge in Altmar. Anyone from the Town Board or Water Department that plans to attend this all day workshop needs to fill out the registration form and return it to the Town Clerk’s office before the October monthly meeting.

**RESOLUTION 71-19 PURSUANT TO State environmental quality review act (“SEqra”)**

**determination of environmental significance**

**negative declaration**

**WHEREAS**, Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless (“Verizon Wireless”) proposes to construct and operate a wireless telecommunications facility on property to be leased from the Town of Sandy Creek (the “Lease”), located at 91 Weaver Road, known as Tax Map No. 18-1-18.07 (the “Project”); and

**WHEREAS**, representatives of Verizon Wireless previously met with Town officials to discuss the Project and the Lease; and

**WHEREAS,** the Town Board is fully familiar with the proposed location and the surrounding area; and

**WHEREAS**, the Project is an unlisted action under SEQRA and the Town Board is the only involved agency and, therefore, the Lead Agency; and

**WHEREAS**, the Town Board has reviewed the Project, the Lease and all other materials submitted in connection therewith.

**NOW, THEREFORE**, be it resolved by the Board that:

Based upon the Town Board’s thorough and careful review of the Project, the Lease, and all other materials submitted in connection therewith, the Town Board hereby determines that the Project and the Lease will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA.

**REASONS SUPPORTING THE NEGATIVE DECLARATION:**

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce minimal, if any disturbance of soil and vegetation, with minimal storm run-off.

2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archaeological, historical, natural, or cultural resources. The Project is a public utility which must be located as and where necessary to provide essential wireless telecommunications service. Although a facility of this nature will be visible, its overall visibility will be minimized to the maximum extent possible.

3. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species. No plant or animal life will be adversely affected by the Project.

4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with the official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.

5. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.

6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

8. Public Health and Safety. The Project will have no adverse impacts on the public health. The Town Board recognizes that the Project will enable Verizon Wireless to provide reliable wireless telecommunications service in the Town, enabling individuals, businesses and emergency service providers access to this essential service. The Project will promote the general health, safety and welfare of the citizens of the Town by providing access to a modern, reliable system of wireless telecommunications service.

Further, the Town Board finds that none of the criteria for determining significance set forth in § 617.7(c)(1)(i)-(xii) would be implicated as a result of this Project.

Notice of this determination of non-significance shall be filed to the extent required by the applicable regulations under SEQRA or as may be deemed advisable by Town Board.

**NOW, THEREFORE,** on motion made by Councilman John W. Wood, Jr., seconded by Councilman Dave Warner, be it resolved as follows:

Motion passed as follows:

NANCY RIDGEWAY, Town Supervisor AYE

RUTH E. SCHEPPARD, Councilman AYE

NOLA J. GOVE, Councilman AYE

DAVE WARNER, Councilman AYE

JOHN W. WOOD, JR., Councilman AYE

**RESOLUTION 72-19 TO ApprovE lease for wireless telecommunications**

**facility on to the existing water tank at 91 weaver road, town of sandy creek**

**WHEREAS**, Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless (“Verizon Wireless”) proposes to construct and operate a wireless telecommunications facility (the “Project”) on property to be leased from the Town of Sandy Creek pursuant to that certain Water Tower Lease Agreement between the Town of Sandy Creek and Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless (“Verizon Wireless”) (the “Lease”), located on the existing water tower located at 91 Weaver Road, in the Town of Sandy Creek and known as Tax Map No. 18-1-18.07 (the “Property”); and

**WHEREAS**, the facility consists of six (6) antennas, six (6) RRH units, and other associated equipment to be installed on the 150’ water tank and within the 11.25’ x 32’ lease sufficient for the installation of Verizon Wireless’ equipment cabinet to be placed on a 4’x7’ concrete pad and associate improvements, as more particularly shown on the Lease exhibit attached to the Lease as Exhibit A; and

**WHEREAS,** the Town Board may approve the Lease pursuant to New York State Town Law § 198(12)(a); and

**WHEREAS**, the premises to be leased to Verizon Wireless are not will not be adversely impacted for water district purposes; and

**WHEREAS**, in connection with the Lease, the Town Board has conducted a full and comprehensive single agency review of potentially adverse environmental impacts from the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and on September 11, 2019 duly issued a Negative Declaration pursuant thereto; and

**WHEREAS,** the Town Board has reviewed the Project, the Lease and all other materials submitted in connection therewith; and

**WHEREAS,** the Town Board held a properly noticed public hearing on the Lease in conformity with Town Law §198(12)(a) on September 11, 2019; and

**WHEREAS**, Resolutions approving a lease by a Town Board are subject to a permissive referendum, in accordance with Article 7 of the New York State Town Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Sandy Creek hereby authorizes the Town Supervisor to enter into the Lease with Verizon Wireless to allow Verizon Wireless to construct and operate a wireless telecommunications facility and related infrastructure on the Property, contingent upon passage of the permissive referendum period required under law without a petition for a permissive referendum, for an initial term of five (5) years with up to four (4), five (5) year and three (3), five (5) year renewal terms, at an annual rent of thirty thousand ($30,000), with rent escalation of one hundred and ten percent (110%) every five (5) years, and such other terms and conditions as agreed upon by the Town of Sandy Creek and Verizon Wireless; and be it further

**RESOLVED**, that the Town Clerk is authorized and directed to publish notice of such permissive referendum, within ten (10) days from the date hereof, in accordance with Article 7 of the New York State Town Law; and be it further

**RESOLVED**, following review of the requirements of Town’s Wireless Telecommunications Facilities Law (the “Law”) that the Town Board hereby finds that: (1) the Project is consistent with the intent and requirements of the Law; (2) the Project is necessary to deliver reliable wireless telecommunications service to the Town; and (3) locating the Project on the Property will create minimal, if any, impacts on surrounding properties, and hereby grants the required special use permit for the project, contingent upon final approval of the Lease between the Town and Verizon Wireless.

**NOW, THEREFORE,** on motion made by Councilman John W. Wood, Jr, seconded by Councilman Dave Warner, be it resolved as follows:

Motion passed as follows:

NANCY RIDGEWAY, Town Supervisor AYE

RUTH E. SCHEPPARD, Councilman AYE

NOLA J. GOVE, Councilman AYE

DAVE WARNER, Councilman AYE

JOHN W. WOOD, JR., Councilman AYE

Engineers – Dustin Clark and Chelsea Brouty of Barton & Loguidice were present to update the Town Board on current projects. The preliminary engineering report for the sewer project has been completed and submitted to NYS EFC for CWSRF IUP listing and the Resiliency and Economic Development Initiative (REDI). Mr. Clark attended 4 of the many meetings that Supervisor Ridgeway and Deputy Scheppard attended for REDI. Further development of a sewer district in the Town of Sandy Creek has been recommended for up to $100,000 in REDI grant money. Feedback on the REDI grant applications will be coming this winter. The Army Corps of Engineers concentrates on waterways and wetlands and took 14 months to approve our Water District #1. For Water District #3 the NYS DEC is the final approval needed. They sent a notice of incomplete application. Their biggest concern is the area including North Rainbow Shores Road and South Sandy Pond Inlet. They are concerned with the entire stretch of barrier bar and thin sections of land between the lake and the pond. They are concerned about further development of the land here, although it is currently populated and full. They do not want hardening of the shoreline. B&L is still planning for a 2019 approval, but Mr. Clark has reservations that it may not be realistic at this point. B&L continues to work with the DEC addressing their concerns.

**PUBLIC COMMENT –** There was none at this time.

**OLD BUSINESS –** Quotes are still needed to help the Board of Trustees at the Boylston Wesleyan Cemetery with the removal of some trees. It is believed that some property owners are still waiting for FEMA money from the 2017 flooding event. The town needs to know who these individuals are in order to help them if possible. Town of Richland Supervisor Dan Krupke and Supervisor Ridgeway met with 4 members of the International Joint Commission (IJC) at US Congressman Anthony J. Brindisi’s office. IJC officials’ response to the flooding disaster is that they did not do this on purpose and that they can’t control Mother Nature.

**NEW BUSINESS**

A resident has requested the town to reduce the speed limit on Stanley Drive. It is already 30 mph. The following budget meeting dates were agreed upon: October 2, 16, 23, and 30 with the public hearing on November 6th. All times are 7 pm. Supervisor Ridgeway asked the Town Board to attend the Historian’s open house on Saturday, October 19th from 10 am to 2 pm. A family tree project will be held for children. A WEX fleet card is necessary for the town to charge fuel sales tax free at the Sandy Creek Mobil station. Senator Patty Ritchie has requested flooding assistance for owners of seasonal residences in addition to primary homeowners. The Tug Hill Times that town officials have been receiving by email has many workshop and training opportunities listed. All are invited to the Cable Trail VFW’s POW-MIA dinner and ceremony on September 20th. Supervisor Ridgeway read a letter she received from the NYS Department of Transportation regarding the Miller Road bridge over Interstate 81. The DOT understands and realizes the importance of this bridge. They are currently doing maintenance on it and although it may not look attractive, it is safe. Pat McDougal noted that the potholes on the ramps have not been filled yet. The Pecha’s sent the town a copy of the court paperwork regarding their boundary dispute. Supervisor Ridgeway asked the Town Board to consider a reduced EDU assignment for the Babcock property on the corner of State Route 3 and Punkin Hook Drive. The driveway is clearly off of Punkin Hook Drive, but water main is not currently proposed to be installed down that road.  The property is very large and includes wetlands between St Rt 3 and the houses. Installing water service to the homes on this parcel would be complicated by the wetlands and very expensive.  The family does not intend to install water service. In the past if a property did not have reasonable access to the water main due to service constructability and/or distance, the property received a reduction in its EDU assignment.

**RESOLUTION 73-19**

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

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

0 No

**Resolved** that the Town Board of the Town of Sandy Creek assigns an EDU of 0.1 to 8-14 Punkin Hook Drive, tax ID # 028.00-02-01.01.

**TRANSFER OF FUNDS**

**RESOLUTION 74-19**

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

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

0 No

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

**From Description To Description Amount**

SW1-1990.4 Contingent SW1-8993.1 Water Advisory Committee $ 475.00

SW3-1990.4 Contingent SW3-8993.1 Water Advisory Committee 240.00

SW2-1990.4 Contingent SW2-8397.4 Water Meters & Equipment 1000.00

SW3-1990.4 Contingent SW3-8340.4 Water Operator Contractual 500.00

SW2-201 Cash SW2-230 Reserve 1000.00

A1620.4 Town Hall Contractual A1620.111 Town Hall Mowing 250.00

A1110.4 Court Contractual A1110.2 Court Equipment 272.00

A1355.4 Assessor Contractual A1355.2 Assessor Equipment 205.00

SW3-8397.2 Water Meters & Equipment SW3-9730.7 BAN Interest 28,667.00

**APROVAL OF BILLS**

**RESOLUTION 75-19**

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

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

0 No

**Resolved** that the bills be paid on Abstract #16 in the following amounts:

General Fund $ 494.37

Trust & Agency $ 9,652.01

**And** on Abstract #17 in the following amounts:

General Fund $ 36,240.85

Trust & Agency $ 6,422.16

Highway Fund $ 122,041.09

Water Project #3- H3 $ 3,668.75

N Pond Shoreline-H4 $ 1,662.00

Water District #1-SW $ 5,466.29

Water District #2-SW $ 597.05

Water District #3-SW $ 963.00

On September 17th at 7 pm the Towns of Richland and Sandy Creek will meet at the Sandy Creek Town Hall to discuss the Sandy Creek/Richland Joint Water Project. On September 25th at 7 pm he Town Board will meet with the Village of Sandy Creek at the Town Hall to discuss the IMA for Water District #2.

The next meeting of the Water Advisory Committee will be September 30th at 6 pm and the next regular monthly meeting of the Town Board will be October 9th at 7 pm.

**On motion** by Ruth E. Scheppard, and seconded by Nola J. Gove, and carried unanimously, the meeting was adjourned at 8:51 pm.

Respectfully submitted,

Tammy L. Miller, RMC

Town Clerk