

MINUTES OF THE MEETING OF THE
SANDY CREEK VILLAGE BOARD OF TRUSTEES

Date: January 7, 2019

Kind of Meeting: Regular and Organizational

Place: Village Office

Board Members Present:

Grant Rohrmoser, Mayor

Sharon Turo, Trustee

Kenney LaRue, Trustee

Board Members Absent:

Others Present:

Jill Mattison, Clerk/Treasurer

Patricia McCullough, Deputy Clerk, SCRPB

Shirley Rice, Planning Board

John Howland, CEO

Lance Collins, SCFD Chief

Pat McDougal

OPEN ADMINISTRATIVE HEARING:

Mayor Rohrmoser opened the administrative hearing and called the meeting to order at 7:00 P.M. The purpose of the hearing was to determine if the property at 255 Ellisburg Street (19.01-05) owned by Joseph Pottenburgh was in violation of Local Law No. 2 of 1996, Local Law No. 1 of 1997, and Local Law No. 3 of 2000.

CEO Howland and presented the following exhibits and to each document Mr. Howland swore to its authenticity:

1. Notice of Alleged Violation and Order to Remedy dated 3/22/2018 sent to Joseph Pottenburgh, compliance date of 4/15/2018.
2. 2nd Notice of Alleged Violation and Order to Remedy dated 10/4/2018 sent to Joseph Pottenburgh, compliance date of 10/25/2018
3. On November 11, 2018, CEO Howland reported to the Village Board that the property remains in violation of Local Law No. 2 of 1996, Local Law No. 1 of 1997, and Local Law No. 3 of 2000.
4. Photographs dated 11/30/2018 showing the unsafe structures attached to the trailer.
5. Clerk/Treasurer Mattison mailed a notice, regular mail and certified, to Joseph Pottenburgh informing him of the Administrative Hearing on 1/7/2019.

POTTENBURGH VIOLATION OF LOCAL LAW NO.2 OF 1996, Local Law No. 1 of 1997, and Local Law No. 3 of 2000

RESOLUTION 45 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was

ADOPTED - unanimous

WHEREAS, John Howland, Code Enforcement Officer of the Village of Sandy Creek has filed an Order to Remedy Violation dated **March 22, 2018** with the Village Board of the Village of Sandy Creek alleging that Joseph Pottenburgh the owner of property located at 255 Ellisburg Street, Village of Sandy Creek, County of Oswego, State of New York, also known as Tax Map No. 019.19-01-05, and the Village Board of the Village of Sandy Creek, after having reviewed said Orders to Remedy, having scheduled an Administrative Hearing to occur on January 7, 2019 at 7:00 p.m. or as soon thereafter as possible; and

WHEREAS, Jill Mattison, Village Clerk/Treasurer, Village Board sent a Notice of Hearing upon Joseph Pottenburgh, 10 or more days prior to the Administrative Hearing, a copy of the Notice of Hearing and Affidavit of Service and Mailing having been filed with the Village Board of the Village of Sandy Creek; and

WHEREAS, an Administrative Hearing having duly been held on January 7, by the Village Board of the Village of Sandy Creek, and John Howland, Code Enforcement Officer for the Village of Sandy Creek, having appeared on behalf of the Village of Sandy Creek, and Joseph Pottenburgh having not appeared; and

WHEREAS, the Village Board of the Village of Sandy Creek having held an Administrative Hearing at the aforesaid date and time, John Howland, Code Enforcement Officer, having testified at the aforesaid hearing, and having presented photographs of the

alleged violations Local Law No. 2 of 1996, Local Law No. 1 of 1997, and Local Law No. 3 of 2000; and

WHEREAS, the Village Board of the Village of Sandy Creek, after reviewing said items and after hearing testimony from the aforesaid individual in regards to the alleged violations of Local Law No. 2 of the year 1996 pertaining to property located at 255 Ellisburg Street and known as Tax Parcel No. 019.19-01-05 in the Village of Sandy Creek and owned Joseph Pottenburgh and after having duly deliberated upon same, having determined said violations to be unsafe, a public nuisance, and dangerous pursuant to Local Law No. 2 of the year 1996, Local Law No. 1 of 1997, and Local Law No. 3 of 2000.

NOW, THEREFORE, upon motion made by Trustee Kenney LaRue and seconded by Trustee Sharon Turo, **BE IT RESOLVED** as follows:

1. That the Village Board of the Village of Sandy Creek hereby declares that Joseph Pottenburgh, did violate Local Law No. 2 of the year 1996, Local Law No. 1 of 1997, and Local Law No. 3 of 2000 of the Village of Sandy Creek in that he permitted an unsecure, unsafe building on said premises, all at the premises located at 255 Ellisburg Street, also known as Tax Parcel No. 019.19-01-05 in the Village of Sandy Creek and owned by Joseph Pottenburgh, thereby creating a public nuisance dangerous to life, health, safety and welfare.

2. Joseph Pottenburgh is hereby directed to commence cleanup to the subject premises and to bring the property into compliance with Local Law No. 2 of the year 1996, Local Law No. 1 of 1997, and Local Law No. 3 of 2000 on or before **January 24, 2019**.

3. In the event that Joseph Pottenburgh, fails to correct the alleged violation and bring the subject premises into compliance with Local Law No. 2 of the year 1996 on or before **January 24, 2019**, the Village of Sandy Creek, its agents or employees, are authorized to conduct the necessary remediation work and remove the alleged violation found on the subject premises, and the cost of such removal shall be assessed against the land located at 255 Ellisburg Street, Village of Sandy Creek, known as Tax Parcel No. 019.19-01-05, and shall be levied and collected in the same manner as provided in Village Law for the collection of a special ad valorem levy.

4. That Jill Mattison., Clerk/Treasurer for the Village Board of the Village of Sandy Creek, is hereby directed to notify Joseph Pottenburgh of the Village Board's decision and said Notice to be served in accordance with the requirements of said Local Laws.

MOTION UNANIMOUSLY ADOPTED by those members present.

GRANT ROHRMOSER, MAYOR	AYE
SHARON TURO	AYE
KENNEY LARUE	AYE

CLOSE ADMINISTRATIVE HEARING AND OPEN THE ORGANIZATIONAL MEETING:

Mayor Rohrmoser appointed Kenney LaRue Deputy Mayor.

APPOINTMENTS:

RESOLUTION 46-FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolutions were **ADOPTED** - unanimous

Resolved that the following appointments be made:

Jill Mattison as Records Access Officer for a one year term
Patricia McCullough as Deputy Clerk for a one year term
John Howland as Code Enforcement Officer for a one year term
Tammy Miller as Registrar of Vital Statistics for a one year term
Charlene Cole as Historian for a one year term
The firm of Barclay Damon LLP as attorney for a one year term

Prosachik Law Firm, PLLC as attorney for code enforcement for a one year term

ANNUAL ORGANIZATIONAL RESOLUTIONS

RESOLUTION 47-FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolutions were ADOPTED - unanimous

Resolved that:

WHEREAS it will be a benefit to the Village of Sandy Creek for employees and appointees to be in attendance at schools, conferences, and seminars,

BE IT RESOLVED, pursuant to Section 77-b of the General Municipal Law, that employees be authorized to attend and

FURTHER BE IT RESOLVED that all the actual and necessary expenses incurred to be audited out of the appropriate account.

BE IT RESOLVED, pursuant to Section 4-412(3)(2) of the Village Law, that the following institution be and hereby is designated as depository of all monies received by the Village: Pathfinder Bank.

BE IT RESOLVED, pursuant to Section 5-524(6) of the Village Law, that the Clerk/Treasurer is hereby authorized to pay in advance of the monthly audit on claims for public utility services, postage, freight and express charges.

BE IT RESOLVED, pursuant to Section 5-524(7) of the Village Law that the Village will pay mileage for village officials and employees in the amount of **58 cents** per mile.

BE IT RESOLVED, that the Watertown Daily Times is the official newspaper of the Village.

BE IT RESOLVED, that the Board of Trustees reviewed the Procurement Policy for the Village of Sandy Creek. BE IT FURTHER RESOLVED, that the procedure for purchasing goods and services which do not exceed the bid limits of \$20,000 for purchase contracts and \$35,000 for public works projects was addressed. BE IT FURTHER RESOLVED that the following individuals responsible for making purchases are:

Grant Rohmoser, Mayor

Jill Mattison, Clerk/Treasurer

Lance Collins, SCFD Chief.

BE IT FURTHER RESOLVED, that the responsible individuals must be updated every two years.

BE IT RESOLVED, that the Village of Sandy Creek reviewed the village's Investment Policy delegating the responsibility for administration of the investment program to the Clerk Treasurer. BE IT FURTHER RESOLVED that this Investment Policy be reviewed annually.

BE IT RESOLVED, that the Village of Sandy Creek will fully comply with the provisions and spirit of the ADA and ensure equal employment opportunity for all qualified persons with disabilities.

BE IT RESOLVED that the Village of Sandy Creek recognizes that sexual harassment is a form of gender discrimination and is a violation of state and federal civil rights laws. It is the policy of this municipality to strongly oppose and prevent any form of discrimination.

BE IT RESOLVED that the Village of Sandy Creek is an Equal Opportunity Employer. Discrimination on the basis of race, color, sex, religion, age, national origin, marital status, disability, sexual orientation, genetic predisposition or carrier status or veteran status will not be tolerated.

BE IT RESOLVED that the Village of Sandy Creek is committed to the safety and security of its employees and recognizes the previously adopted Workplace Violence Prevention Policy pursuant to NYS Labor Law, Section 27b.

BE IT RESOLVED that the Village of Sandy Creek recognizes the previously adopted policy of maintaining a drug free work place.

BE IT RESOLVED that the regular meeting of the Board of Trustees will be held monthly on the first Monday of the month at 7:00 PM

BE IT RESOLVED that the next organizational meeting will be held at the regular meeting of the Board of Trustees in December 2019.

CLOSE ORGANIZATIONAL MEETING AND OPEN REGULAR MEETING:

APPROVAL OF MINUTES:

RESOLUTION 48 - FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that the minutes of the December 3, 2018 meeting are approved as written.

AUDIT AND APPROVAL OF MONTHLY BILLS, TRANSFERS AND ACCEPT NOVEMBER 2018 FINANCIAL STATEMENT:

RESOLUTION 49 - FY 18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Abstract 14, vouchers #189 - #196 in the amount of \$5,507.78

Abstract 15 vouchers # 197 - #219 in the amount of \$47,441.33

Transfer: \$2740 from A1990.4 to A1910.4
\$4617 from A5110.4 to A8666.4
\$4184 from A8510.4 to A8666.4
\$241 from A5130.4 to A5130.1

Fund Balances: 1/4/19

General Fund		\$366,808.36
Reserve Fire Apparatus	85,783.16	
Radios	1,638.41	
Water Fund		82,249.89
Repair Reserve	22,242.53	
Capital Reserve	20,065.32	
Trust & Agency		0.00
Permanent		3,266.87
Non-expendable	2,000.00	
Expendable	1,266.87	
Water Tower Capital Project		<u>441,515.30</u>
TOTAL ALL FUNDS		\$ 893,840.42

Resolved that the monthly bills and transfers are approved and the December 2018 financial statement was accepted.

REPORTS:

PLANNING BOARD: Mrs. McCullough gave the report of the meetings of December 4 and January 2. The Constanza site plan was approved. Annual Planning Board training was held. A Town site plan for a 30 site RV Park/Campground by Brian Wallis was submitted and public hearing held. The decision will be made at the February meeting.

The following amendment to the by-laws was made: After six months, if an alternate member attends 75% of scheduled Planning Board meetings, they will be paid the same amount as appointed members. Only one alternate from each municipality may be paid. The attorney will be consulted to see if members can be paid by meeting attendance.

FIRE DEPARTMENT:

<u>December 2018 Call Report</u>	<u>Year to Date</u>	Active Membership: 27
Total Calls: 20	319	
Structure Fires: 1	18	
Vehicle Fires: 0	0	
Vegetation Fires: 0	0	
EMS: 10	184	

Rescue: 0	3
MVA: 4	30
Extrication: 0	0
Hazardous Condition: 0	12
Service Call: 0	9
Good Intent Call: 3	13
False Alarm: 1	8
Cancelled Enroute: 0	38
Other: 1	4
Mutual Aid Given: 0	12
Mutual Aid Received: 0	5
Average Personnel: 4.20	4.36
Average Enroute Time: 7.89	4.9
Average Onscene Time: 14.5	11.27

Since grant money was not made available, the department located a used air boat from a fire department in Texas. The SCFD will purchase the 2013 8x8 Argo ATV and trailer for \$15,000 from their fund raising money.

COUNTY LEGISLATOR:

Legislator Kastler was absent.

HISTORIAN:

Mrs. Cole submitted the December 2018 report, so noted and filed in the Village Office.

CODE ENFORCEMENT:

CEO Howland submitted his 2018 annual report of permits and violations.

The work on the Rudd building is scheduled to begin on January 16.

The village **does not** need to adopt the Revised NYS Unified Solar Permit.

APPROVE AND PAY SHARE OF CEO TRAINING:

RESOLUTION 50-FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that the Village of Sandy Creek approved CEO Howland’s training in April. The cost will be split among the municipalities he represents.

Howland will get bids for the demolition of the Pottenburgh additions for the February meeting.

The bill should be sent to Michael and Serena Parker for the total cost of the demolition at 6078 North Main Street.

CORRESPONDENCE:

A letter was received from Louana Hull that SCOPS has dissolved.

The Local Government Conference is scheduled for Thursday, March 28 at Jefferson Community College.

OLD BUSINESS:

NEW BUSINESS:

INSTITUTE PROCEEDINGS TO TERMINATE WATER SERVICE

RESOLUTION 51 – FY18/19

On a motion by Trustee Turo, seconded by Trustee LaRue, the following resolution was ADOPTED - unanimous

WHEREAS it has come to the attention of the Village Board of Trustees that certain individual water users of the Village of Sandy Creek water system are delinquent in the paying of water rent,

BE IT RESOLVED that the Board directs the Village Treasurer to institute proceedings to terminate water service upon proper notification under New York State Law with respect to the list of unpaid accounts presented by the Clerk/Treasurer.

FURTHER BE IT RESOLVED that the written NOTICE OF INTENT TO TERMINATE SERVICE shall state that the service will be discontinued on or about January 25, 2019 if total payment is not received.

Jack Dodson has researched the Hess EDU rate and finds that it is in line for the laundromat and other uses in the building. However the number of EDUs of North Shore (Gas Mart and Sandy Creek Diner), Sherburne DG (Dollar General) and Two Guy's Pub may not be. The Board would like Jack to explain it to them before any adjustment is made.

There was discussion on the charge for water meter freeze plate replacement.

CHARGE FOR WATER METER FREEZE PLATE REPLACEMENT

RESOLUTION 52 – FY18/19

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED - unanimous

Resolved that the cost of water meter freeze plate replacement is the actual cost of parts plus a minimum of one hour labor.

CONTRIBUTE TO LIBRARY NATIONAL GRID BILL

RESOLUTION 53 – FY18/19

On a motion by Trustee Turo, seconded by Trustee LaRue, the following resolution was ADOPTED - unanimous

Resolved that the Village will contribute \$200 to help with the library's National Grid bill due to the holiday lighting.

PUBLIC COMMENT:

Pat McDougal asked if there was any news on the Franklin Street issue. We have not heard anything from the attorney. Mayor Rohrmoser spoke to some of the truck drivers and he is of the opinion that a little progress is being made with their parking.

MOTION TO ADJOURN:

There being no further business to come before the Board, a motion to adjourn at 8:30 P.M. was offered by Trustee LaRue and seconded Turo, carried.

Office will be closed on Monday, January 21 (MLK Day)

Next Sandy Creek Village Board meeting – Monday, February 4, 2019, 7:00 PM

Next Joint Waterworks meeting – Monday, January 14, 2019, 10:00 AM

Monday, February 11, 2019, 10:00 AM

Jill M. Mattison, CMC, RMC, CMFO