

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

**Date:** February 3, 2020

**Kind of Meeting:** Regular

**Place:** Village Office

**Board Members Present:**

Lynn H. Miller, Mayor

Kenney LaRue, Trustee

Sharon Turo, Trustee

**Others Present:**

Jill Mattison, Clerk/Treasurer

Patricia McCullough, Deputy Clerk, SCRPB

Shirley Rice, SCRPB

Lance Collins, SCFD Chief

Mike Yerdon, Legislator

John Howland, CEO

Steve Washburn

Jane Patterson

Mike Pettit

5 "Blue Star Mothers"

**OPEN REGULAR MEETING AND CALL TO ORDER:**

Mayor Miller opened the meeting to order at 7:00 P.M. and led all in the Pledge of Allegiance.

Five women (Renee DeLosh, Jennifer Pappa, Heidi Mettot, Andrea Burns, and Shylok LaRue), all "Blue Star Mothers" with relatives serving in the military, spoke to the Board on their wish to participate in the Home Town Hero banner program. They would like to form an ad hoc committee to place banners of veterans and active duty personnel on the National Grid poles. They were referred to Clerk/Treasurer Mattison for assistance. The Board was in favor of this project.

**APPROVAL OF MINUTES:**

**RESOLUTION 42 - FY19/20**

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

**Resolved** that the minutes of the January 6, 2020 meeting are approved as written.

**AUDIT AND APPROVAL OF MONTHLY BILLS, TRANSFERS AND ACCEPT JANUARY 2020 FINANCIAL STATEMENT.**

**RESOLUTION 43 - FY 19/20**

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

Transfer \$235.00 from A8510.4 to A8510.1  
\$108.00 from A5130.4 to A5130.1  
\$92.00 from A1990.4 to A5110.4  
Put in Budget - \$10,870.00 (A3501)  
\$10,870.00 (A8540.4)

Abstract 17, vouchers #204 - #210, in the amount of \$9,670.06

Abstract 18, vouchers #213 - #239, in the amount of \$20,428.20

**Fund Balances: 2/3/2020**

General Fund		\$354,033.47
Reserve Fire Apparatus	98,862.55	
Radios	1,643.72	
Water Fund		36,547.25
Repair Reserve	0.00	
Capital Reserve	20,141.51	
Trust & Agency		0.00
Permanent		3,279.56
Non-expendable	2,000.00	
Expendable	1,279.56	
Water Tower Capital Project		<u>381,981.55</u>
TOTAL ALL FUNDS		<u>\$775,841.83</u>

**Resolved** that the monthly bills and transfers are approved and the January 2020 financial statement was accepted.

**REPORTS:**

**PLANNING BOARD:**

Mrs. McCullough gave the report of the January 8, 2020 meeting, so noted and filed in the Village Office. There is a possibility of another application for a solar farm (in the Town).

**FIRE DEPARTMENT:**

Chief Collins submitted a January 2020 call report.

Total Calls – 32            Mutual Aid Given - 9

EMS – 18                    Snowmobile - 1

Fire – 10                    Mutual Aid Received – 1

Their election of officers will be held this Thursday.

A proposal from Kinsley was received for preventive maintenance on the generator. Mayor Miller contacted Larry Goodsell to see if he was interested but has not received a call back.

**TABLE GENERATOR DECISION:**

**RESOLUTION 44 - FY19/20**

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

**Resolved** to table the decision on preventive maintenance of the generator until a proposal can be obtained from Larry Goodsell.

Chief Collins and SCFD Vice President, Mike Pettit addressed the Board on their wish to put in a purchase offer on the Cazenovia Equipment property (Oswego SC Properties, LLC). The current Fire Hall is inadequate and needs many repairs to maintain. They have tried to purchase the Miller property next door and are of the opinion that the Cazenovia Equipment property would be a good option. They would need to put 20% down and found an interest rate of 4.7% at Community Bank.

The department has the money for the down payment and questioned if they could use their budget funds for the mortgage and expenses such as utilities, repairs and insurance. Clerk/Treasurer Mattison will have to research the legality on several aspects of their plan. It was noted that the Town of Sandy Creek also intends to put in a purchase offer to use the property as their highway department. They have had an engineer evaluation done.

**COUNTY LEGISLATOR:**

Legislator Yerdon discussed the upcoming state budget. It is estimated to be six billion dollars short, with Medicaid being a large portion of that. A labor wage increase and expanded federal programs also contributed. There has been mandated early voting with no state funding.

Legislator Yerdon inquired about reduced tipping fees if a municipality demolished a vacant residential structure. The Legislature passed a prior resolution on this issue that has since expired. The municipality should notify the legislator prior to demolition, who will then take it to committee. They will evaluate the request on a case by case basis.

**HISTORIAN:**

**CODE ENFORCEMENT:**

**APPROVE AND PAY SHARE OF CEO CODE SCHOOL:**

**RESOLUTION 45-FY19/20**

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

**Resolved** that the Village of Sandy Creek approves CEO Howland to attend Code School April 7 – 9, 2020. The cost will be split among the municipalities he represents.

Final notice was sent to Paro on January 9, 2020. Five separate notices were sent to him between October 2018 and then.

**SEND A COURT APPEARANCE TO PARO:**

**RESOLUTION 46-FY19/20**

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

ADOPTED – unanimous

**Resolved** that CEO Howland will sent a Court Appearance Notice to Kory Paro Sr., 269 Ellisburg Street.

**CORRESPONDENCE:**

A thank you was received from the family of Charlene Cole.

NYS DOT – funding amounts available for CHIPS, PAVE NY

**OLD BUSINESS:**

The “No Parking” signs for US Rt 11 have arrived.

NYS DEC – The Engineering Planning Grant was denied.

Steven Henderson P.E. of Stites & Harbison, PLLC replied to Attorney Russell’s letter on Caldwell Tanks, Inc. liquidated damages. Henderson apologized for the delay, will review project documents and reply no later than February 7<sup>th</sup>.

**NEW BUSINESS:**

**REQUESTING AMENDMENTS TO NYS’S CRIMINAL JUSTICE REFORMS:  
RESOLUTION 47-FY19/20**

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

WHEREAS while there was a need to reform New York’s criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level; and

WHEREAS the dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments; and

WHEREAS the discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody); and

WHEREAS drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates; and

WHEREAS arraignment must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

WHEREAS cities and villages will not reap savings from the bail reform's reduction of the burden on county jails; and

WHEREAS municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

**NOW THEREFORE BE IT RESOLVED THAT** the Village of Sandy Creek supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

- Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
- Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;

- Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
- Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis;
- Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

**AND BE IT FURTHER RESOLVED** that this duly adopted resolution of the Village of Sandy Creek be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Patty Richie and Assembly Member William Barclay the New York State Conference of Mayors, and local media outlets.

**NO OBJECTION TO LIQUOR LICENSE BY J.D.'S TAVERN & GRILL, LLC:  
RESOLUTION 48-FY19/20**

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

**Resolved** that the Village of Sandy Creek has been notified by J.D.'s Tavern & Grill, LLC of their application to the NYS Liquor Authority, with regard to their license for the use in their business, located at 6059 S. Main Street, Sandy Creek, NY 13145 in the Village of Sandy Creek. The Village of Sandy Creek has no objection to this notification and application.

Further, the Village of Sandy Creek hereby waives the 30-day advance notice requirements as may be set forth by the Alcoholic Beverage Control Law.

**SIGN WILLIAMSON ANNUAL SOFTWARE SUPPORT CONTRACT:  
RESOLUTION 49-FY19/20**

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

**Resolved** that Mayor Miller sign the annual software support contract for water billing software (2/1/20 through 1/31/21) between Williamson Law Book Company and the Village of Sandy Creek at a cost of \$503.00.

**APPOINT BUDGET OFFICER:  
RESOLUTION 50-FY19/20**

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

**Resolved** that Jill M. Mattison is appointed Budget Officer. Meetings will be held in March, with the public hearing scheduled for the regular meeting in April.

**POST WATER SERVICE TERMINATION NOTICES:  
RESOLUTION 51-FY19/20**

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

**Resolved** that Harold Brown will post a **Water Service Termination Notice** at the physical addresses of those outstanding water customers. A posting fee of \$25.00 will be added to the amount due. The date of termination stated on the notice will be noon on Friday, February 14, 2020. Additional charges will be added if snow removal is needed to terminate service.

Mayor Miller, SCFD Chief Lance Collins and Clerk/Treasurer Mattison signed certifications that they received copies of various Village of Sandy Creek adopted policies and that they agree to abide by the policies.

Reminder - The Local Government Conference is scheduled for Thursday, March 26, 2020 at J.C.C. The best rate is given if the application is postmarked by March 6, 2020.

Mayor Miller will be undergoing surgery on February 17<sup>th</sup> and will be unable to leave his home for one month.

In response to comments made at the January meeting, Clerk/Treasurer Mattison detailed her continuing education, awards, accolades and extreme dedication to the profession. As a public officer, she is entitled to the salary whether physically in the office or not.. This was confirmed by attorneys at NYCOM and the Comptroller's office.

**PUBLIC COMMENT:**

Shirley Rice, of the Planning Board, stated that she has heard that some members of the public are complaining about the close proximity of the solar panels at the Tubbs/Mullin property to Route 11 (100 feet). She questioned if the Board had any opinions on the setback. When fencing and plantings are completed, the project should be more visually pleasing.

**MOTION TO ADJOURN:**

There being no further business to come before the Board, a motion to adjourn at 9:00 PM was offered by Trustee LaRue and seconded by Trustee Turo, carried.

The office will be closed on Monday, February 17, 2020 for President's Day

Next Sandy Creek Village Board meeting – Monday, March 2, 2020, 7:00 PM

Next Joint Waterworks meeting – Monday, February 10, 2020, 3:30 PM  
Monday, March 9, 2020, 3:30 PM

Jill M. Mattison, CMC, RMC, CMFO