



**Town Board Meeting
July 12, 2023 – 7:00 pm
Sand Lake Town Hall**

AGENDA

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

___ **Deputy Supervisor Clemens**
___ **Councilman Nippes**
___ **Councilman Glasser**
___ **Supervisor Gallerie**
___ **Town Attorney Danaher**
___ **Town Clerk Barbara Hansen**

**Approval of Meeting Minutes:
Town Clerk's Report
Supervisor's Report
Board Member's Reports
Public Works Commissioner's Report**

Public Comment: NOTE – Each speaker must step to the microphone, and may choose to state name and address prior to addressing the Board and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the decision making process. All speakers will conduct themselves in a civil manner.

Business:

- ___ 1. A resolution adopting Local Law #2 of 2023 after the Public Hearing (*Resolution #2023-07-113*)
- ___ 2. A resolution supporting the Town of Berlin's Certificate of Need for town-provided ambulance services (*Resolution #2023-07-114*)
- ___ 3. A resolution authorizing the repayment in full of the Sidewalk Improvement project bond anticipation notice (BAN) (*Resolution #2023-07-115*)
- ___ 4. A resolution appointing an additional lifeguard for the 2023 beach season (*Resolution #2023-07-116*)
- ___ 5. A resolution authorizing budget transfers and amendments to the 2023 budget (*Resolution #2023-07-117*)

Adjourn The Meeting

**SAND LAKE TOWN BOARD MEETING
July 12, 2023**

RESOLUTION #2023-07-113

Adopting Local Law #2 of 2023 After the Public Hearing – Office of the Supervisor

	Clemens:	Y	N	A
Moved By: _____	Nippes:	Y	N	A
Seconded By: _____	Glasser:	Y	N	A
	Gallerie	Y	N	A

WHEREAS, the Town Board of the Town of Sand Lake has reviewed the attached proposed Local Law No. of 2023 updating the Parking Provisions of Article I, Sections 243-1 to 243-6 of the Municipal Code of the Town of Sand Lake, and believes same is appropriate as to form and substance, and a Public Hearing having been had thereon to get input from members of the Sand Lake Community, and good cause appearing therefore, now therefore be it

RESOLVED, that proposed Local Law No. 2 of the year 2023 is hereby approved as to form and substance and is duly adopted; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to file a certified copy of such adopted Local Law with the Office of the New York State Secretary of State.

TOWN OF SAND LAKE

LOCAL LAW NO. 2 OF THE YEAR 2023.

**A Local Law to Amend Article I, Sections 243-1
to 243-6 of the Municipal Code of the Town of
Sand Lake**

Be it enacted by the Town Board of the Town of Sand Lake as follows:

ARTICLE I. INTENT

This Local Law shall be known as Local Law No. 2 of 2023, and it shall amend Article I, Sections 243-1 to 243-6 so as to update the Parking Provisions contained in such Article and Sections of the Municipal Code of the Town of Sand Lake.

ARTICLE II. LEGISLATIVE ACTION

The Town Board of the Town of Sand Lake hereby Amends Article I, Sections 243-1 to 243-6 of the Municipal Code of the Town of Sand Lake so as to read as follows:

§ 243-1. Parking restrictions.

- A. There shall be no parking on either side of Crystal Lake Road from its intersection with Route 66 east to its intersection with County Route 45 a distance of 0.67 mile.
- B. There shall be no parking on either side of Gettle Road from its intersection with Route 43 east to its intersection with County Route 45 (Old Route 66) a distance of 0.82 mile; provided, however, that parking is permitted in designated areas adjacent to Butler Park; such non-designated areas shall be considered a tow-away zone.
- C. There shall be no parking on the north and south sides of Glass Lake Road, except in designated parking areas for fishing and boating access, from its intersection with Routes 43 and 66, in a southwest direction, a distance of 3/10 of a mile to Rebecca Way, and such areas are designated a tow-away zone.
- D. There shall be no parking on the south side of First Dyke Road from New York State Gas and Electric Pole L-69-8 east to Pole L-69-2, a distance of 0.25 mile.
- E. There shall be no parking on either side of Crystal Avenue.

- F. There shall be no parking or standing on the south side of Second Dyke Road from its intersection with Calkins Farm Road east to its intersection with North Nassau Road (County Road 47), a distance of 0.70 mile, or on the north side of Second Dyke road from its intersection with Zack Lane 356 feet east to a point in the northerly line of Second Dyke Road, and such areas are designated a tow-away zone.
- G. There shall be no parking on either side of Teal Road from its intersection with Route 43 and 66 to New York State Gas and Electric Pole 9, a distance of 0.4 mile.
- H. There shall be no parking on either side of Creek Lane.
- I. There shall be no parking along Glen Royal Drive from its intersection with Second Dyke Road north a distance of 600 feet and on Evergreen Drive from its intersection with Second Dyke Road along its entire length, and such areas are designated a tow-away zone.
- J. There shall be no parking along Shoemaker Road from its intersection with Glass Lake Road north a distance of approximately 600 feet along its entire length, and such area is designated a tow-away zone.
- K. There shall be no parking or standing on either side of Parker Road from its intersection with Best Road to its intersection with Barnes Road, a distance of 1.3 miles, and such area is designated a tow-away zone.

§ 243-2. Snow emergencies.

- A. There shall be no parking along any Town road during any snow emergency.
- B. A "snow emergency" shall exist when two or more inches of snow have accumulated and have not been plowed by a Town Highway vehicle.
- C. During said snow emergency, all vehicles parked on Town roads or in Town rights-of-way shall be considered to be parked in a tow-away zone for the purposes of this section.
- D. When any vehicle is parked unattended on any Town highway in violation of this article, said vehicle may be removed under the direction of the Sand Lake Town Highway Superintendent or his designee.
- E. If any vehicle shall be removed pursuant to this section as provided in this article, such vehicle may be stored in any place designated by the Highway Superintendent, to be held there until such time as the owner or operator of such vehicle shall call for and remove the same.
- F. Prior to the return of any vehicle removed pursuant to this section, the owner or operator of such vehicle shall pay to the tow truck owner or operator the amount of all reasonable charges and expenses actually and necessarily incurred in removing the vehicle.

§ 243-3. Prohibited acts; exceptions; definitions.

- A. Where parking is prohibited by this article, no person shall park a vehicle, whether occupied or not, but may stop temporarily to load or unload passengers or merchandise.
- B. Where standing is prohibited by this article, no person shall stand or park a vehicle, whether occupied or not, but may stop temporarily to receive or discharge passengers.
- C. As used in this article, the following terms shall have the meanings indicated:
TOW-AWAY ZONE — An area wherein the Town has a right to enforce this Parking Ordinance by use of a tow truck to physically remove the vehicles left unattended.
- D. Emergency and police vehicles are exempt from this article.

§ 243-4. Penalties for offenses.

- A. Each violation of this article shall be punishable by a fine of \$150.
- B. Whenever a police officer or code enforcement officer finds a vehicle or trailer parked in an area designated as a tow-away zone, he or she is authorized to cause such vehicle or trailer to be removed to a garage, automobile impound or other place of safety. The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable and actual cost for removal and storage, payable before the vehicle or trailer is released.
- C. If the owner or other person lawfully entitled to the possession of such vehicle shall fail to retrieve the vehicle, the towing agency or place of storage may file a lien against the vehicle and liquidate the same pursuant to the Lien Laws of the State of New York.

§ 243-5. Signs.

The parking restrictions contained in this article shall be posted in accordance with state regulations.

§ 243-6. When effective.

This article shall be effective upon filing with the Office of the New York State Secretary of State.

ARTICLE III. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

1. Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2023 of the Town of Sand Lake was duly passed by the Town Board on July 12, 2023, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2023 of the Town of Sand Lake was duly passed by the Town Board on _____, 2023, and was (approved)(not approved) (repassed after disapproval) by the Elective Chief Executive Officer*, Supervisor Scott Gallerie, and was deemed duly adopted on _____, 202 .

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 202__ of the Town of Sand Lake was duly passed by the _____ on _____, 202__, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer*, _____ on _____, 202__. Such Local Law was submitted to the people by reason of a (mandatory)(permissive) referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 202__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. __ of 202 of the Town of Sand Lake was duly passed by the Town Board on _____, 202 , and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Officer*, Supervisor Scott Gallerie, on _____, 2022. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 202 , in accordance with the applicable provisions of law.

5. (Town local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 202__ of the Town of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such Town voting thereon at the (special)(general) election held on _____, 202__, became operative.

* Elective Chief Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the Supervisor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 202__ of the

County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 202____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County Legislative Body, City, Town, or Village
Clerk or officer designated by local legislative body

TOWN CLERK

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

State of New York
County of Rensselaer

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

Town Attorney _____
Title

TOWN OF: SAND LAKE _____

Date: _____

**SAND LAKE TOWN BOARD MEETING
July 12, 2023**

RESOLUTION #2023-07-114

Supporting the Town of Berlin’s Certificate of Need for Town Provided Ambulance Service

	Clemens:	Y	N	A
Moved By: _____	Nippes:	Y	N	A
Seconded By: _____	Glasser:	Y	N	A
	Gallerie	Y	N	A

WHEREAS, The Town of Berlin is seeking a letter of support from the Town of Sand Lake to transition to a permanent operating certificate for Town Provided ambulance service; and

WHEREAS, the Town of Berlin has been providing ambulance service since September of 2021 and has meet or exceeded all applicable training, staffing and equipment standards, now therefore be it

RESOLVED, that the Town Board of the Town of Sand Lake is in support of Berlin’s transition to a permanent operating certificate; and be it further

RESOLVED, that the Town Board of the Town of Sand Lake authorizes the Town Supervisor to sign the letter of support for the permanent operating certificate upon approval as to form by the Town Attorney.



**8428 NY Route 66
P.O. Box 273
Sand Lake, New York 12153**

November 10, 2022

Robert Jaeger, Town Supervisor
Town of Berlin
c/o Hannigan Law Firm
388 Kenwood Avenue
Delmar, NY 12054

Dear Mr. Jaeger:

This letter is in response to a request by the Town of Berlin for a letter of support in response to the Town's effort to obtain a permanent Municipal Certificate of Need ("CON").

We understand that the definition of "Public Need" which was provided to us in the letter of solicitation, and believe that the Town of Berlin satisfies that requirement. Additionally, we recognize that the application is legally entitled to the "strong presumption in favor of approving the application" under Public Health Law § 3008(7)(b).

The Town of Sand Lake would like to go on record that we support the Town of Berlin in its application for a Permanent Certificate of Need.

Very truly yours,

Scott Gallerie
Town Supervisor

**SAND LAKE TOWN BOARD MEETING
July 12, 2023**

RESOLUTION #2023-07-115

Authorizing the Repayment In Full of the Sidewalk Project Bond Anticipation Notice (BAN)

	Clemens:	Y	N	A
Moved By: _____	Nippes:	Y	N	A
Seconded By: _____	Glasser:	Y	N	A
	Gallerie	Y	N	A

WHEREAS, The Town Supervisor’s Office has received a Redemption Payment Summary in the amount of \$1,017,621.00 on a Bond Anticipation Notice (BAN) for the Sand Lake Sidewalk Improvement Project in the amount of \$990,000.00 in principle, and \$27,621.00 in interest; and

WHEREAS, this BAN must be repaid or extended for an additional year no later than July 19, 2023; and

WHEREAS, the Town is currently awaiting payment of reimbursement requests #27 & #28 from New York State Department of Transportation in a total amount of \$981,282.89; and

WHEREAS, the extension of this BAN past the July 19, 2023 due date would result in the Town of Sand Lake incurring an additional interest obligation of over \$27,000.00; and

WHEREAS, the Town Board has determined that the most fiscally responsible course of action is to repay the BAN prior to July 19, 2023 from the Sidewalk Improvement Capital Project Account to be funded by transferring monies from the General Fund Balance; now therefore be it

RESOLVED, that the Town Board of the Town of Sand Lake authorizes the transfer of \$1,017,621.00 from General Fund Balance, budget code A599 to the Sidewalk Improvement Capital Project Account budget code H007; and be it further

RESOLVED, that such transfer shall be repaid upon receipt of reimbursement from the New York State Department of Transportation; and be it further

RESOLVED, that the Town Board of the Town of Sand Lake authorizes the Town Supervisor to execute all required documents to pay the full principal and interest balance of this BAN subject to approval as to form by the Town Attorney.

**SAND LAKE TOWN BOARD MEETING
July 12, 2023**

RESOLUTION #2023-07-116

Appointing an Additional Lifeguard for the 2023 Beach Season

	Clemens:	Y	N	A
Moved By: _____	Nippes:	Y	N	A
Seconded By: _____	Glasser:	Y	N	A
	Gallerie	Y	N	A

WHEREAS, Lifeguards and Beach Aides are appointed annually by the Town Board in accordance with New York State Parks, Recreation, and Historic Preservation Guidelines; and

WHEREAS, Deputy Supervisor Clemens solicited applications to fill these positions; and

WHEREAS, applications were received and reviewed, and interviews conducted by Deputy Supervisor Clemens; now therefore be it

RESOLVED, that the Town Board of the Town of Sand Lake appoints the following additional Lifeguard for the 2023 Beach Season subject to receipt of her Lifeguard and CPR Certification as applicable:

NAME	POSITION	HOURLY RATE
Chris Pageau	Lifeguard	\$15.00

**SAND LAKE TOWN BOARD MEETING
July 12, 2023**

RESOLUTION #2023-07-117

Authorizing Budget Transfers and Amendments to the 2023 Budget

	Clemens:	Y	N	A
Moved By: _____	Nippes:	Y	N	A
Seconded By: _____	Glasser:	Y	N	A
	Gallerie	Y	N	A

Be It Resolved the following transfers are made to the 2023 Budget:

From	To	Amount
A 1990.4000 Contingency Contractual	A 1220.4000 Supervisor Contractual	\$296.00
A 1990.4000 Contingency Contractual	A 1910.4300 Unallocated Insurance	\$500.00

Budget Amendments

None at this time.