

# TOWN OF SANFORD

REGULAR MEETING

September 10, 2024

**PRESENT:** **Kenny Wist**                                 **Supervisor**  
**Jay Vandermark**                                 **Councilman**  
**Alice Ray**   **Councilman**  
**Shane Lester**   **Councilman**  
**Dan Andresen**   **Councilman**

**ALSO PRESENT:** **Leo Shew**                                 **Highway Superintendent**  
**Alison Lang**   **Town Clerk**

Guests: Matt B; Mark Millspaugh, 439 Oquaga Lake Road; Marie Davenport, 42 Hanson Road; Conant Smith, 33 Parker Road; Deborah Proffitt, 129 Blueberry Drive; Kurt & Barb Acker, 711 Oquaga Lake Road; Anne Lawrence, 536 Farnham Road.

Supervisor Wist called the meeting to order at 7:00 PM with the Pledge of Allegiance led by Shane Lester at the Town Hall, 91 Second Street, Deposit, New York 13754.

No Oquaga Lake Sewer report was received at the start of the meeting. Millspaugh asked if Wist had heard back on accelerating the Oquaga Lake Sewer district study schedule. Wist explained that the schedule for the Oquaga Lake Sewer district study has been accelerated several times with New York State, the state stated it would take a few months for approval and on-site work will most likely be delayed until November.

Millspaugh spoke on the ice eaters and the discussion that was held by the lake association at their recent meeting. Registering or permitting the ice eaters by the town was discussed, Wist spoke with the town attorney on this several times and any permit within the town would need policing and would need to follow the same procedure as any other town permit. A registration process would be helpful to contact owners if there is an issue.

No formal decision has been made by the town board on how to proceed.

Millspaugh explained that a new interactive website is being worked on by the lake association to keep people informed.

Supervisor Wist presented the town board with the report received from Pete Hathaway, Code Enforcement Officer. On a motion made by Alice Ray, seconded by Dan Andresen and all approved the Code Enforcement Officers report for August 2024. The Planning Board received the new site plan for 68 Hanson Road and will be reviewing the application at the September 11, 2024 meeting. A discussion had been held a few months prior by the board on retaining a consultant or escrow account on locations that might be more involved or involve DEC. The current law states that the cost would be the applicant's responsibility.

Supervisor Wist gave the floor to Scott Conklin, Oquaga Lake Sewer Administrator once he arrived. Conklin presented the board with the report for the month of August 2024. Millspaugh asked if Scott can provide him with a spreadsheet letting him know what sewer tanks have been pumped at the lake to keep residents informed. Wist received a question on relocating a septic tank. The current protocol is the cost would be the homeowner's responsibility. Acker spoke on abandoned properties and the condition of the tanks. On a motion made by Shane Lester, seconded by Jay Vandermark and all approved the Oquaga Lake Sewer report.

Supervisor Wist gave the floor to Highway Superintendent, Leo Shew. Shew is still working on storm damage and is in contact with the state several times a week. If the town receives any aid, the town has brought the roads back to pre-storm conditions. Several problems are showing up now that didn't show immediately after the storm. Shew and Wist met with NYS Homeland Security about a week after the storm and the Town of Vestal was the only other town in Broome County to claim storm damage on August 9, 2024. The Town of Vestal had \$58,000 worth of damage to recover. The County threshold was \$931,000 to qualify for FEMA response. Wist is confident that the town will exceed that amount. Neighboring towns didn't receive as much damage. Shew is pursuing mitigation and proceeding through the steps along with the proper documentation. Perry, Hawkins and Clark Roads are currently closed. Shew will be doing temporary work on Hawkins next week and will open at least one lane and hopefully by snowfall have Perry Road opened backup as well.

Supervisor Wist gave the floor to the public. Wist spoke on the public comment rules and reiterated that everyone will get five minutes to speak and asked the public to please address the town board with questions and concerns and to be respectful. Kermit Mott spoke on the site plan check list and how the planning board is in the process of reviewing and updating the list as necessary.

Bridget from the Courier let the board know that at the Town of Deposit meeting earlier that evening, the highway superintendent stated he was happy to help during the storm and is pleased to work with the Town of Sanford. Wist sent a Thank You letter to the Town of Deposit for helping during the storm with equipment and other shared services.

Gerald Seymour spoke on the letter he submitted to the town at last months meeting regarding the drainage issue on Big Hollow Road; water in basement due to possible drainage issues and possible crushed pipes due to heavy traffic. He asked why the highway superintendent hasn't responded to the letter as of today as stated in the Town Law. Seymour presented the board members with a copy of the law which states:

\$8-4 Filing of notices with town clerk.

If the highway superintendent receives written notice of defect or snow or ice condition, he or she has to transmit the notice, in writing, to the town clerk within 10 days of receipt (Town Law, §65-a (3)).

- A. The Town Clerk must keep an indexed record of all such written notices in a separate book (Town Law §65-a (4)). The record must state:
  - (1) The date of receipt of the notice;
  - (2) The nature and location of the condition stated to exist;
  - (3) The name and address of the person from whom the notice is received.
- B. The record of each notice must be indexed according to location of the alleged defect and preserved for a period of five years from the time of receipt.

Wist responded to Seymour earlier in the day on the matter. Seymour asked again why Mr. Shew hasn't submitted a letter to the clerk's office. Wist stated there is no concrete evidence showing a defect is caused by the road and no evidence of water coming out of the road. Shew

had no more comments other than what Wist stated. Wist stated it's a different situation if it concerns public safety. Wist investigated the property earlier in the day, he gave Seymour his opinion on the issue and told Seymour the responsibility of the township ends at the curb; no visual evidence of water between the road and house was seen. Wist suggested Seymour install a ditch on the property. The only permission given to do that was in 1954, an easement was signed; as stated by Seymour. Wist explained the town will get someone to look at the issue in October.

Jodi Seymour spoke on a comment made that the town's responsibility stops at the curb. During the windmill project she sustained damage to her property and was told it was 25ft. from the middle of the road is the town's responsibility. Seymour feels it's disrespectful to address the public and not follow through. No response was received back on the letter and it has been 30 days. Big Hollow Road has recently been paved and Seymour feels it's a waste of tax payer money and a slap in the face to pave the road prior to addressing the issue in the event repairs need to be made. Wist explained the availability of the camera service and the availability of the contractor and windmill company. The town made the decision to allow the road to be shimmed. If the town missed that window of opportunity, they would have to wait another year. The decision was made due to timing. Seymour asked why the decision wasn't put into writing and why she wasn't notified. Wist apologized for not sending something in writing. Seymour stated if you're in a town position you need to learn your job and responsibilities.

Kurt Acker asked if the town has heard back from the town attorney regarding the ice eaters. A brief conversation was held earlier in the meeting. The town board is responsible for making the decision on how to proceed such as the permitting process and regulating them. Wist will be sending information to the Planning Board. The Lake Association is in agreement of this process and examples of permits are available from other lakes. Wist will continue to communicate with the attorney on the issue regarding the permit process and fees.

The operation and maintenance of the septic tanks at Oquaga Lake was questioned by Anne Lawrence. Wist explained that the sewer district residents are responsible for the cost of the operation and maintenance. The town contracts with the Village of Deposit to maintain the system and Scott is trained and paid by the village. The sewer district residents pay a fee in their town & county taxes and are also billed twice per year for the operation and maintenance. Payment is based on the budget requirements for that year.

Mott asked if the board has reached out to the NYS DEC for feedback on issues with the ice eaters; NYS DEC does not want to interfere with the restrictions or use of them.

The Farnham Road realignment project was awarded to Bothar Construction, LLC at the August 20, 2024 Special Meeting. Construction should begin within 2 weeks and the public will be notified. Bluestone Wind will be contributing to the cost of the project.

Conant Smith thanked Leo Shew & Steven Deinhardt from Wheeler's Excavating for helping during the storm on Parker Road. Rain did damage to his lawn and in his backyard.

Smith asked the board and Shew to look into a water management system on Parker Road. Shew will include Parker Road onto the mitigation list. Mitigation contains several phases and Shew must repair the initial problem first by removing the gravel. Smith also spoke on where the culvert pipe was replaced. Heavy rain is eroding the stone located around the culvert pipe and if it isn't addressed it will become a bigger issue. Leo has this included on his mitigation pipe list along with a few others.

Wist thanked the Highway Department for the handling of the overall situation during the storm.

The Dog Control report was received and reviewed. On a motion made by Alice Ray, seconded by Jay Vandermark and all approved the DCO report.

The Assessor did not submit a report.

The Minutes from the August 13, 2024 Meeting and August 20, 2024 Special Meeting were received and reviewed. On a motion made by Dan Andresen, seconded by Shane Lester and all approved the August 13, 2024 Minutes. On a motion made by Dan Andresen, seconded by Jay Vandermark and all approved the August 20, 2024 Special Meeting Minutes.

The Town Clerk's Report was presented for August 2024. On a motion made by Shane Lester, seconded by Dan Andresen and all approved the Town Clerk's report for August 2024.

The July 2024 Supervisors report was received. On a motion made by Jay Vandermark, seconded by Shane Lester and all approved the Supervisors report for July 2024.

Supervisor Wist spoke on scheduling a budget meeting on the 2025 budget. The Town Board will hold a budget workshop on Wednesday, October 2, 2024 at 6pm. Wist reminded the board of the budget meeting with the village on October 3, 2024 at 6:30pm to discuss the Fire Protection District.

The Town Clerk didn't have anything to report.

Bills were presented to the Board.

The Motion was made by Councilman Jay Vandermark, seconded by Alice Ray and all approved that the Bills be paid as presented:

The Total Amounts and Voucher Numbers submitted to Town Clerk by Supervisor's Secretary. Date of Audit: 9/10/24 Abstract #9– General: \$25,769.04 –Voucher #530-532, 534-536, 538-549, 582. Highway: \$376,536.78 – Voucher #529, 556-562, 564-581; Sewer O & M: \$8,478.59– Voucher #537, 550-554; T&A: \$29.34-Voucher #533; Capital: 173,276.85-Voucher #555.

Since no further business was at hand, on a motion made by Shane Lester, seconded by Dan Andresen and all approved that the Meeting be adjourned at 8:17PM.

---

Alison Lang, Town Clerk