

**TOWN OF SAND LAKE
TOWN BOARD MEETING
September 14, 2022**

A Meeting of the Sand Lake Town Board was held on February 9, 2022 at the Sand Lake Town Hall. After the Pledge of Allegiance, the following answered roll call:

PRESENT: Supervisor Gallerie
Deputy Supervisor Gendron
Councilman Nippes
Councilman Clemens
Councilman Glasser
Town Attorney Danaher

RECORDING SECRETARY: Barbara Hansen, Town Clerk
OTHERS PRESENT: Bill Glasser, Kevin Rifenburgh, John Slyer, Matt and Francesca Thornton, Carl Ricci, Brian Hunt

CALL TO ORDER: Supervisor Gallerie opened the meeting at 7:00 pm.

Supervisor Gallerie made a motion to approve the Minutes of the August 10th, 2022 Town Board Meeting and the Minutes of the August 31, 2022 Town Board Workshop. It was seconded by Deputy Supervisor Gendron. All in favor – Motion Carried.

Town Clerk's Report:

Total Revenue for August:	\$16,770.00
Paid to Ag & Markets	\$ 56.00
DEC – Hunting & fishing	\$ 4,608.29
NYS Dept of Health – Marriage	\$ 225.00
Paid to Town of Sand Lake	\$11,880.71

The Town will be holding a Shredding Day October 1st from 9:30 – Noon at Town Hall Parking Lot. There will be more information in this weeks Advertiser and on our website identifying what is and is not acceptable for shredding.

Supervisor's Report: 2nd Dyke Culvert Project Bids were received on September 9th and the lowest responsible bid was from CWG Excavation and Forestry, Berlin, New York, in the amount of \$163,800. The Engineer's estimate for this project was \$130,000 illustrating rising costs in construction. The intent is to close the road on October 17th and to have it completed in 6 weeks.

Sidewalk Projects: Contractors plan to start work on the West Sand Lake portion next week. The plan is to wrap up work on all of the sidewalk project in Sand Lake and West Sand Lake and submit for reimbursement from New York State DOT to pay off bond obligations.

Stop 13 Road Bridge: Work is continuing and on schedule. They hope to have it completed by the end of November, weather permitting.

Water District: I met with Ron Laberge the Town's designated engineer for this project. Estimates are coming in quite a bit higher than we planned for in part due to a 30% contingency that has to be built in due to skyrocketing material and labor costs. I'd like to do a public meeting to meet with the engineers, water committee and select Town Board members in the next month or so. As soon as we pick a date we'll post a notice in the paper and on our website. At that point we will make a decision on whether or not to move ahead with this project.

Taborton Road Bridge: Rensselaer County Highway put out bids. The county Engineer is going to be postponing the project until next year as the forecasted delivery date for the pre-cast bridge was not until late November.

Deputy Supervisor Gendron's Report: Last week, Supervisor Gallerie, Councilman Clemens and myself met with the Beach Committee to go over the Master Plan. We are getting some estimates for improvements for the boat ramp and updating the bathrooms.

DPW Roof Replacement: There is a Resolution on tonight's Agenda to award the project.

Nopiates: The Committee is celebrating Recovery Month with a trail walking hike at Thatcher Park on September 18th, 11:00-3:00 at the Horseshoe Pavilion.

Councilman Nippes: Animal Control had 12 calls this month. Bear sightings are getting more common so be vigilant when outdoors.

Butler Park: the make up concert was fairly successful and we are starting to plan the 2023 schedule. We encourage input from residents with any ideas for next year's lineup.

Seniors: Meet the 1st Thursday of the month at the Averill Park – Sand Lake Fire Department.

Councilman Clemens Report: We're coming to a close on the street light upgrade project of converting to LEDs. Please report any street lights that are out. It does take some time for them to get repaired.

Library: We got budget estimates for the bathroom upgrade project so the Library can submit an application to Upper Hudson Library for a grant to help cover the cost. Upper Hudson then submits it to New York State and it can be some time before it moves it's way through the grant process.

Councilman Glasser's Report: Convenience Facility: I met with David Martin and discussed the operations of the facility while he gave me a tour.

SLCA: I'm going to the Board meeting tomorrow to meet with them and get updates on upcoming events. Please check out their website as there are numerous events planned for the next few months. My Town email is up. If you want to contact me please email:

pglasser@sand-lake.us.

Kevin Rifenburgh, Commission of Public Works: Boylan Road and Schreiner Way have been paved. We are still waiting on some items that were contracted out. We've been repairing mowers and other equipment, and checking stockpiles in preparation for winter.

Supervisor Gallerie reported there is going to be an MS4 Audit by Environmental Conservation on September 28th. The Building Department, Commissioner Rifenburgh, Wayne Bonesteel and myself will be meeting with them.

Public Comment: Supervisor Gallerie explained that originally we had a Resolution on tonight's agenda to Schedule a Public Hearing to Consider Endorsing the NYS Restore NY Communities Initiative Application for Rehabilitation of the Building Located at 27 Lake Avenue (SkyHigh Community Center). Staff from Skyhigh will be discussing their plans for the future. The Board has tabled tonight's resolution to explore alternatives. John Slyer, President, is here to speak on the matter.

John Slyer, President of SkyHigh Community Center: Explained the Center is a 501 (3)(c) and is manned by a group of volunteers hoping to make our community a better place. Our vision for the community center is to be able to create a more active, healthy and engaged community. We are business friendly and hope to draw local businesses to the center to provide services needed in the community. We're here tonight to ask the Board and community for support to secure the Restore New York grant. Securing that funding would enable us to make some major repairs. We have made great strides in the past 18 months but much more is needed to be able to build a broader base to expand and add programs. In order to be able to offer daycare and other services we need to have the community center added into Mixed Use Zoning requiring a zoning change.

John then turned the podium over to Jim Snack a member on the Board of Directors of SkyHigh. Jim served on the Planning Oversight Committee that recognized the need for a Community Center. That need was highlighted as far back in the 2006 Master Plan without action taken. A major fund raising promotion will be in mailboxes soon and hopefully will raise sorely needed funds. It's success will show the community's support and aid in securing grants for our vision. Paul Kolokowski, licensed Engineer for SkyHigh asked the Board for its support and reiterated the extensive repairs needed to the building and that getting the Restore NY Grant would aid tremendously in this effort.

John Slyer then explained the reason for tabling the Resolution tonight was to be sure all details were in place to apply for the grant and changing zoning to Mixed Use was one of the most important.

Supervisor Gallerie thanked the SkyHigh Members for their information and insight. There being no other public comment, the Board moved into business.

BUSINESS:

RESOLUTION #2022-09-143

Authorizing the Purchase of Road Salt from NYS OGS Contract

Moved by: Supervisor Gallerie

Seconded by: Councilman Nippes

WHEREAS, the Public Works Department requires Road Salt (mineral crushed rock) for winter road maintenance; and

WHEREAS, The State of New York has extended the award for one additional year (September 1st, 2022 to August 31st, 2023), for a contract for the purchase of road salt, treated salt, and emergency standby road salt – (Group Number 01800, Contract Number PC 68890) from Apalachee , LLC at a cost of \$73.00 per ton, subject to fuel price adjustment; and

WHEREAS, an essential component of the contracts entered into by the State of New York provides that said materials and respective bid prices received by the State shall be available to local governments of New York State;

RESOLVED, that the Town Board hereby authorizes the Commissioner of Public Works to purchase Road Salt from the above contract as required for treating snow and ice on Town Highways and Town Owned Facilities subject to the limits of DPW Budget Line DA 5142.4.

AYES 5 – NAYS 0 UNANIMOUS

RESOLUTION #2022-09-144

Authorizing Auction of Surplus Equipment

Moved by: Scott Gallerie

Seconded by: Councilman Clemens

WHEREAS, the Town Board has received a request from the Commissioner of Public Works to declare the following Town property to be surplus equipment;

One 2007 Chevrolet Colorado Pickup Truck, VIN# 1GCDT199778237726

One M-B Pull Behind Sweeper, Serial # 130814

One 2003 Ford F-350 Pickup Truck VIN# 1FTSF31P43ED16481L0

One Onan Generator Set Propane Standby Generator Model # 30 OEK-15R/11461M, Serial Number C840701677

One 2022 8' Chevrolet 8' Pickup Truck Box

WHEREAS, said equipment is not suitable for use in any other Town Department; now therefore be it

RESOLVED, that the property listed is declared excess; and be it further

RESOLVED, that the Commissioner of Public Works is authorized to conduct a public auction or sale or otherwise to lawfully dispose of said surplus equipment now owned by, and in the custody of the Town of Sand Lake.

AYES 5 – NAYS 0 UNANIMOUS

RESOLUTION #2022-09-145

Recognizing the Week of September 17-23, 2022 as National Constitution Week

Moved by: Deputy Supervisor Gendron

Seconded by: Councilman Glasser

WHEREAS, it is the privilege and duty of the American people to commemorate the anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23 as “Constitution Week”; now therefore be it

RESOLVED, that the Town Board of the Town of Sand Lake does hereby recognize the week of September 17-23 as “Constitution Week” and urges all citizens to study the constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

AYES 5 – NAYS 0 UNANIMOUS

RESOLUTION #2022-09-146

Awarding the Bid for Replacement of the Department of Public Works Garage Roof Over the Sewer Department

Moved by: Deputy Supervisor Gendron

Seconded by: Councilman Clemens

WHEREAS, Resolution #2022-04-86 authorized the Town Supervisor to solicit bids for the replacement of the original portion of the roof at the Department of Public Works Garage (DPW); and

WHEREAS, bids were solicited per NYS Procurement Law with a bid opening date of Thursday, September 1st, 2022; and

WHEREAS, one bid was received from received from Roof Services Unlimited LLC in the amount of \$70,900.00; now therefore be it

RESOLVED, that the Town Board of the Town of Sand Lake hereby awards the contract to replace the roof at the DPW Garage over the Sewer Department to Roof Services Unlimited LLC in the amount not to exceed \$70,900.00; and be it further

RESOLVED, that an allocation of General Fund Balance be authorized as follows;

FUND	TRANSFER OUT	TRANSFER IN
A599 General Fund Balance	\$70,900.00	
A5132.2 Garage, Equipment		\$70,900.00

AYES 5 – NAYS 0 UNANIMOUS

RESOLUTION #2022-09-147

Scheduling a Public Hearing to Consider a Resolution Endorsing the NYS Restore NY Communities Initiative Application for Rehabilitation of the Building located at 27 Lake Avenue

WHEREAS, the Town Board of the Town of Sand Lake has reviewed the attached proposed Resolution seeking to endorse the NYS Restore NY Communities Initiative Application for rehabilitation of the Building located at 27 Lake Avenue, and believes that a Public Hearing should be held to receive input from members of the Sand Lake Community, and good cause appearing therefore; now therefore be it

RESOLVED, that proposed resolution seeking to endorse the NYS Restore NY Communities Initiative Application for Rehabilitation of the Building located at 27 Lake Avenue is hereby approved as to form; and be it further

RESOLVED, that a Public Hearing will be held at 7:00 pm on September 28, 2022, at the Town Hall of the Town of Sand Lake located at 8428 NY Route 66, Sand Lake, New York, so as to the allow the Town Board to hear Public Comment on the proposed resolution; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to issue appropriate Public Notice of the Public Hearing scheduled herein.

RESOLVED, that a Public Hearing will be held at 7:00 pm on September 28, 2022, at the Town Hall of the Town of Sand Lake located at 8428 NY Route 66, Sand Lake, New York, so as to the allow the Town Board to hear Public Comment on the proposed resolution; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to issue appropriate Public Notice of the Public Hearing scheduled herein.

Supervisor Gallerie made a motion to table resolution #2022-09-147 per earlier discussion. It was seconded by Councilman Nippes. All in favor - Unanimous

.RESOLUTION #2022-09-148

Appointing a Member of the Zoning Board of Appeals

Moved by: Councilman Clemens

Seconded by :Councilman Nippes

WHEREAS, the Zoning Board of Appeals has a vacancy to be filled due to the resignation of Mr. Sherwood Palitsch; and

WHEREAS, the Town Board has considered a number of candidates resumes and expressions of interest; now therefore be it

RESOLVED, that the Town Board of the Town of Sand Lake hereby appoints Nancy Perry to the Zoning Board of Appeals for a term ending December 31, 2026; and be it further

RESOLVED, the appointee shall complete the required training in Harassment and Discrimination, Work Place Violence, and four credit hours related to planning and/or zoning.

AYES 5 – NAYS 0 UNANIMOUS

Councilman Nippes reminded everyone that Nancy Perry served on the ZBA before serving 2 terms as Supervisor and was happy she has returned.

RESOLUTION #2022-09-149

Awarding the Bid for Replacement of the 2nd Dyke Road Culvert

Moved by: Supervisor Gallerie

Seconded by: Councilman Clemens

WHEREAS, Resolution #2022-05-101 authorized the Town Supervisor to solicit bids for the replacement of the 2nd Dyke Road Culvert; and

WHEREAS, bids were solicited per NYS Procurement Law with a bid opening date of Friday, September 9st, 2022; and

WHEREAS, bids were received from Wm. J. Keller & Sons Construction Corp. and from CWG Excavation and Timbering; now therefore be it

RESOLVED, that the Town Board hereby awards the contract to replace the culvert on 2nd Dyke Road with a precast culvert, to be provided by the Town of Sand Lake, to CWG Excavation and Timbering in the amount not to exceed \$163,800.00 to be paid from Budget Line H008 522 5110.4.

AYES 5 – NAYS 0 UNANIMOUS

RESOLUTION #2022-09-150

A Resolution Authorizing the Supervisor to File a Certificate of Abandonment of a Property Adjacent to Glen Royal Drive

Moved by: Councilman Clemens

Seconded by: Councilman Nippes

WHEREAS, the Town Board of the Town of Sand Lake has been advised that the Town of Sand Lake has been pledged a vacant .10 acres of real property as set forth on the attached proposed Certificate of Abandonment, and

WHEREAS, the subject parcel appears to be of no value to the Town of Sand Lake, and it is recommended by all applicable Town Offices that such interest in the subject Parcel be abandoned by the Town as burdensome and a liability to the Town, and good cause appearing therefore; now therefore be it

RESOLVED, that the Town Board of the Town of Sand Lake hereby approves the abandonment of the subject parcel referenced in the attached Certificate of Abandonment and further Authorizes the execution and filing with the Office of the County Clerk and Town Assessor of such Certificate of Abandonment.

AYES 5 – NAYS 0 UNANIMOUS

RESOLUTION #2022-09-151

A Resolution to Schedule a Public Hearing to Consider Local Law #4 Of 2022, Amending the Code of the Town of Sand Lake Regarding Property Maintenance

Moved by: Supervisor Gallerie

Seconded by: Councilman Gendron

WHEREAS, the Town Board of the Town of Sand Lake has reviewed the attached proposed Local Law No. 4 of 2022 Amending the Code of the Town of Sand Lake Regarding Property Maintenance, and believes same is appropriate as to form, and further believes that a Public Hearing should be 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. 4 of the year 2022 is hereby approved as to form; and be it further

RESOLVED, that a Public Hearing will be held at 7:00 pm on October 12, 2022, at the Town Hall of the Town of Sand Lake located at 8428 NY Route 66, Sand Lake, New York, so as to

CERTIFICATE OF ABANDONMENT

WHEREAS, pursuant to deed dated December 17, 2018 to Brookview Court Inc. d/b/a Pigliavento Builders, and recorded on January 15, 2019 in the Office of the Rensselaer County Clerk in Book 8734 of Deeds at Page 71, a Subdivision in the Town of Sand Lake was conveyed to such Purchaser by Brookview/Ryan, LLC., Seller, who had obtained the subject property pursuant to Deed dated March 7, 2010, and recorded in the Rensselaer County Clerk's Office on September 17, 2010 in Book 5614 of Deeds at Page 249, and

WHEREAS, such Subdivision consisted of four (4) lots as shown on a map entitled "Pigliavento 4 Lot Subdivision Second Dyke Road", dated January 6, 2010 prepared by McGrath Land Surveyors and filed in the Rensselaer County Clerk's Office on October 30, 2012, in Drawer 2012 of Maps, as Map No. 140, and

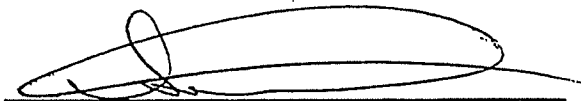
WHEREAS, such Subdivision Map, as approved by the Town of Sand Lake Planning Board pursuant to Resolution dated October 23, 2012 (Sub 12-6), contained a reference to the proposed Conveyance of .10 Acres of such Subdivision to the Town of Sand Lake, but such reference and conveyance was not made a condition precedent to the approval of the Subdivision, and such .10 Acres was never in fact deeded over to the Town, and remains titled to Brookview Court Inc. d/b/a Pigliavento Builders under Tax Map Number 170.-1-29.216, and

WHEREAS, the Town of Sand Lake has confirmed with all applicable Town Officials that such vacant parcel proposed to be transferred to the Town is of no use or value to the Town presently or into the foreseeable future, and should be abandoned by the Town as burdensome and a liability to the Town, and good cause appearing therefore, and pursuant to the direction and officially adopted Resolution of the Town of Sand Lake Town Board, it is hereby

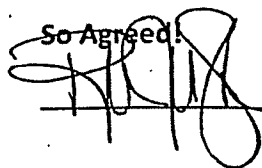
CERTIFIED, that the interest of the Town of Sand Lake in the above described property is hereby deemed Abandoned!

Dated: September 14, 2022

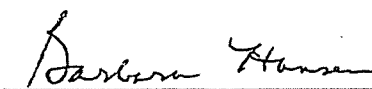
BY ORDER OF THE SAND LAKE TOWN BOARD!



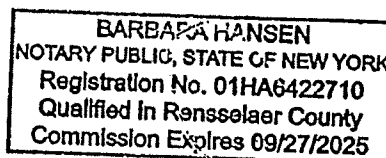
Scott F. Gallerie, Town Supervisor

So Agreed!


Town Assessor



Notary Public



TOWN OF SAND LAKE

LOCAL LAW NO. 4 OF THE YEAR 2022.

**A Local Law to Amend the Code of the Town of
Sand Lake**

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

Chapter 89

PROPERTY MAINTENANCE

89-1. Intent.

It is hereby declared to be the intent and policy of the Town of Sand Lake, County of Rensselaer, State of New York, to preserve, protect and maintain the safe, clean environment and character of the Town. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.

The Town of Sand Lake PROPERTY MAINTENANCE CODE continues to adopt, incorporate and enforce the following codes and regulations: The 2020 edition of the publication entitled "Building Code of New York State," published by the International Code Council, Inc. (publication date November 2019), UNIFORM CODE. The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the New York State Executive Law, as currently in effect and as hereafter amended from time to time, The 2020 edition of the publication entitled "PROPERTY MAINTENANCE CODE OF NEW YORK STATE," published by the International Code Council, Inc. (publication date November 2019), The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the New York State Energy Law, ENERGY CODE, published by the International Code Council, Inc. (publication date November 2019), EXISTING BUILDING CODE OF NEW YORK STATE. The 2020 edition of the publication entitled "Existing Building Code of New York State," published by the International Code Council, Inc. (publication date November 2019), FIRE CODE OF NEW YORK STATE. The 2020 edition of the publication entitled "Fire Code of New York State," published by the International Code Council, Inc. (publication date November 2019), FUEL GAS CODE OF NEW YORK STATE. The 2020 edition of the publication entitled "Fuel Gas Code of New York State," published by the International Code Council, Inc. (publication date November 2019), PART 1202. The regulations set forth in 19 NYCRR Part 1202 ("Uniform Code: Administration and Enforcement in Certain Local Governments"), as currently in effect and as hereafter amended from time to time, PART 1203. The regulations set forth in 19 NYCRR Part 1203 ("Uniform Code: Minimum Standards for Administration and Enforcement"), as currently in effect and as hereafter amended from time to time, PART 1203—COMPLIANT CODE ENFORCEMENT PROGRAM. A code enforcement program that includes the features required by Part 1203 and satisfies the requirements of Part 1203, PART 1204. The regulations set forth in 19 NYCRR Part 1204 ("Uniform Code: Administration and Enforcement by State Agencies"), as currently in effect and as hereafter amended from time to time, PART 1205. The regulations set forth in 19 NYCRR Part 1205 ("Uniform Code: Variance Procedures"), as currently in effect and as hereafter amended from time to time.

89-2. Definitions.

AUTHORITY HAVING JURISDICTION. The governmental unit, agency, Town of Sand Lake Board, and Town Code Enforcement Official responsible for administration and enforcement of this code.

CODE ENFORCEMENT OFFICER. The Town of Sand Lake employee, certified by New York State to administer the Town of Sand Lake Property Maintenance Code/Municipal Code/Zoning Code and all additional New York State building codes.

GARBAGE. Discarded or useless material. The animal or vegetable waste resulting from the handling, preparation, packaging, cooking, and consumption of food.

INSPECTION. The act of inspecting or viewing, especially carefully or critically examining.

MAINTAIN. To keep in an existing state (as of repair, efficiency, or validity): preserve from failure or decline.

MAINTENANCE. The act of maintaining: the state of being maintained, the upkeep of property, structure, or equipment.

NEGLECT. The lack of proper maintenance for a building, structure or premises.

OFFENCE. A violation of the Town of Sand Lake Property Maintenance Code and this Chapter 89.

OPERATOR. Any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

OWNER. Any person, agent, operator, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

RUBBISH. Useless waste, trash, garbage, rejected matter and other debris of a nondescript nature. Combustible and noncombustible waste materials; the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mechanical parts, building material, mineral matter, glass, concrete, and other similar materials.

TEMPERARY RENTAL. A structure, premises, house, townhouse, apartment, or dwelling with or without meals, for compensation (e.g., Home-Away, Air BNB, etc.).

TOWN. The Town of Sand Lake.

VIOLATION. Act of violating, lack of compliance with, infringement of, disregard of the Town of Sand Lake Property Maintenance Code and this Chapter 89.

89-3 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this town code and the 2020 Property Maintenance Code of New York State. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of the 2020 Property Maintenance Code of New York State. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.

89-4 Vacant structures and land.

Vacant premises, structures, and portions thereof, or vacant land shall be maintained by the owner in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

89-5 Inspections.

Whenever the Code Enforcement Officer has reasonable grounds to believe that a property, premises or structure is in violation of the Town of Sand Lake Property Maintenance Code, they will notify the either the owner of the property, the owner's agent, firm, or corporation that an inspection of the property will need to be done within twenty-four (24) hours of being notified.

89-6 Appearance Tickets

The Code Enforcement Officer and each Inspector are authorized to issue court appearance tickets for any violation of the Uniform Code or this Chapter.

89-7 Civil Penalties for Violations

In addition to those penalties prescribed by State law, any Person, Owner, Firm or Corporation who violates any provision of the Uniform Code, the Energy Code or this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter or other applicable Code provision, shall be liable for a civil penalty of a mandatory minimum fine not less than \$100.00 each day or part thereof the violation is found to exist, and not more than \$1,000.00 for each day or part thereof during which such violation continues.

- (a) First Offence of the Violation. Additionally, a mandatory minimum fine of one thousand and five hundred dollars (\$1,500.00) for a first-time violation. The owner is required to remedy the violation within thirty (30) days of the conviction date for the code violation or a second offence will be charged.
- (c) Second Offence of the Same Violation. Additionally, a mandatory minimum fine of two thousand and five hundred dollars (\$2,500.00) for a second violation of the same offence. The owner is required to remedy the violation within thirty (30) days of the conviction date for the code violation or a third offence will be charged.
- (d) Third Offence of the Same Violation and Subsequent Same Violations. Additionally, a mandatory minimum fine of five thousand dollars (\$5,000.00) for a third or subsequent violation of the same offence. The owner is required to remedy the violation within thirty (30) days of the conviction date for the code violation or a subsequent offence will be charged.
- (e) The civil penalties provided by this Chapter shall be recoverable in the name of the Town of Sand Lake.

If a fine that is imposed is not paid within Thirty days (30) or such time-period established by the court, then following mailing of a notice described herein, the unpaid fines shall be assessed by the Town as a lien against the debtor's real property in the Town and added to the current tax roll by the Town as an unpaid charge attributable to real property. Prior to assessing this lien for unpaid fines, the Town shall mail a notice of the unpaid fine to the debtor at his/her last known address by regular first-class mail stating that unless the unpaid fines are paid within fifteen (15) days of the notice date, such unpaid fines will be assessed and collected as an unpaid charge attributable to the real property.

The alternative or additional remedy specified hereafter may be taken in addition to a proceeding for violation penalties. The Town of Sand Lake may negotiate appropriate remediation and restoration measures by entering into an enforceable settlement agreement or consent order with any violator and/or

owner, which may include payment by the violator and/or owner of a monetary penalty which may include exemplary or punitive damages, plus recovery of actual costs incurred by the Town in connection with the enforcement proceeding, including actual attorneys' fees, disbursements and, in appropriate cases, reimbursements for the actual costs to be incurred in rectifying any circumstance or condition necessary to restore the premises into compliance, all and any of which may, if not voluntarily paid by the violator and/or owner, constitute the basis of a lien charge attachable to the premises as a special assessment or charge assessable and collectable on the tax bill associated with the subject premises.

Remedies are not exclusive; no remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in the section detailing Stop Work Orders in the Town Code, in any other section of the Town Code, or in any other applicable law or statute. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in Article XV, Sub-section 250-157 (Stop Work Orders) of the zoning code of the Town, in any other section of local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the New York State Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

89-8. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

1. Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No.4 of 2022 of the Town of Sand Lake was duly passed by the Town Board on October 12, 2022, 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. _____ of 2022 of the Town of Sand Lake was duly passed by the Town Board on _____, 2022, and was (approved)(not approved) (repassed after disapproval) by the Elective Chief Executive Officer*, Supervisor Scott Gallerie, and was deemed duly adopted on _____, 2022.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 2022 of the Town of Sand Lake was duly passed by the _____ on _____, 2022, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer*, _____ on _____, 2022. 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 _____, 2022, 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 2022 of the Town of Sand Lake was duly passed by the Town Board on _____, 2022, 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 _____, 2022, 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.

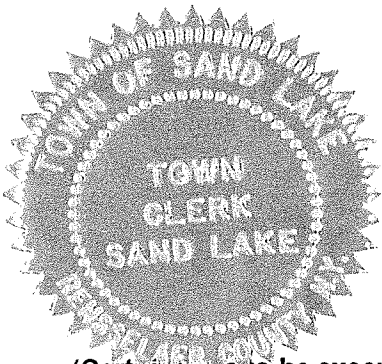
* Elective Chief Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the Supervisor of a city or village, or the supervisor of a town where such officer is vested with the power to approve 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 200__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 200__, 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.



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

Date: October 13, 2022

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