

Dear Town of Jay Residents,

Recently, there has been a lot of misinformation circulating throughout the Town about proper use of the Highway/DPW sand and/or salt stockpiles.

One myth is that the Town of Jay Board recently put a stop to the misuse of sand and/or salt stockpiles by residents, independent contractors and local businesses. The truth of the matter is; the Town of Jay Board never allowed for this practice to begin, or does the Town of Jay Board have the authority to authorize such a practice, except during a declared State of Emergency such as a significant ice storm.

This particular topic of interest was brought to the attention of our Town Board when two complaints were received by one of our Town Council, questioning why some residents, independent contractors and businesses were allowed to utilize the sand and/or salt stock piles and not others.

At the request of my Town Council, I was asked to provide them with legal opinions and specific case law regarding the distribution and/or sale of sand from a municipality. I secured opinions and case laws from the Attorney General's Office, Association of Towns, the NYS Comptrollers and our Town Attorney Dan Manning.

The legal opinions are available on the Town of Jay's official website at [www.townofjay.com](http://www.townofjay.com); or to pick up in person at the Supervisor's Office, 11 School Lane, Au Sable Forks, NY 12912.

Please realize that in the eyes of the NYS Comptroller's Office and Attorney General, this is an illegal gift of taxpayers' funds and a criminal offense. If I, the Town Board or Highway Superintendant authorize use of sand/and or salt stock piles; we can be arrested and removed from office.

After the Town of Jay's Special Town Board meeting on Thursday, January 29, 2015; a discussion about proper use of the Highway/DPW sand and/or salt stockpiles came up. Since all of our Town Board Meetings are live to tape, Charter Communications (local access channel) will air the meeting in full and those interested in understanding more about this issue are urged to watch.

For liability reasons alone; if one of our employees was hurt during loading or distributing sand and/or salt to an unauthorized party, that employee will not be covered under workers compensation.

On behalf of the Jay Town Board and new Highway Superintendent Robbie Lincoln, it is our overall opinion that residents should be able to utilize the sand and/or salt stock piles to sand their own sidewalks and driveways; however it is illegal. On the other hand, the Town Board does not agree that independent contractors should be able to obtain truck loads of sand and/or salt to profit from sanding our residents' driveways. This is clearly unethical and an abuse of our taxpayers dollars.

Many residents may recall that in January of 2014; as Town of Jay Supervisor, I declared a State of Emergency due to the significant ice that had accumulated during one of our seasonal storms. Residents were able to access sand and/or salt from the Highway Garage in buckets only; not truck loads.

We understand that many residents are displeased with the law and we as a Town Board agree it needs amendment, but it is a criminal offense if we refuse to abide by it.

Just as our Town Board would not encourage you to commit a criminal offense for us, therefore we expect you would never ask it of us. There have been numerous accounts of Town Officials arrested for abusing these laws and removed from power, this Town refuses to be one of those statistics.

Please understand, it's the State Constitution, Article VIII that prohibits a local government from making a gift of public funds to a private individual.

It is neither mine, nor the Town Board's or Highway Superintendents intention of putting our residents in a public safety risk. I too know what it's like for an elderly person to fall on their property; for I live it daily. My mom broke her femur on Christmas Day and has undergone numerous medical procedures including surgery, since and is still not back in her home. But, it doesn't justify breaking the law or to put officials in a criminal situation because we disagree with the law.

As your Town Supervisor, and as the President Elect of the New York Association of Counties and as a voting member of the NYS Association of Town's Resolution Committee, I promise to lobby for some amendment to the sand and/or salt laws by the New York State Legislature. Unfortunately, at this time, we must follow the law or we are subject to performing a criminal act.

- Supervisor Douglas