

AGENDA
 REGULAR MEETING
 DATE: February 14, 2013
 TIME: 6:30 PM
 PLACE: SARDINIA TOWN HALL

Town Board Members

		Present	Absent
Supervisor:	Mary Hannon	_____	_____
Councilwoman:	Cheryl Earl	_____	_____
Councilman:	Daniel Miller	_____	_____
Councilman:	David Montgomery	_____	_____
Councilman:	Douglas Morrell	_____	_____
Others:			
Town Clerk	Betsy A. Marsh	_____	_____
Hwy. Superintendent	Donald Hopkins	_____	_____
Attorney for Town	Linda H. Joseph	_____	_____

I. Meeting called to Order by Supervisor Hannon at _____ pm

II. Roll Call

III. Pledge of Allegiance

IV. Moment of Silence

V. Approval of Minutes

VI. Monthly Committee Department Reports

- | | |
|---|-------------|
| • Personnel/Administration | Mary/Cheryl |
| • Finance Planning and Economic Development | Mary/Cheryl |
| • Security and Disaster Preparedness | Dave |
| • Public Safety | Dave/Doug |
| • Buildings & Capital Projects | |
| Town Hall | Mary/Dave |
| • Parks | Cheryl/Dan |
| • Highway | Dave/Cheryl |
| • Recreation/Youth | Cheryl/Mary |

- Community Event/Celebrations Doug
- Community Service Dave/Dan
- Senior Citizens and Programs Doug/Mary
- Liaison to Landfill/Mining Mary/Doug
- Liaison to Fire Company Cheryl/Mary
- Liaison to Planning Board Doug
- Liaison to Veterans Mary
- Water Evaluation Committee Dave
- Street Lights Dan

Report from Highway Superintendent Donald Hopkins

Report from Attorney Linda Joseph

VII. Public Comment Period

VIII. Approval of Bills

**A. RESOLUTION # _____-2013
APPROVAL OF FUND TRANSFER**

WHEREAS, the Town of Sardinia Board approves the following transfer of funds for the 2011 year end:

TRANSFER FROM	AMOUNT	TRANSFER TO
A1110.110 Court Clerk	\$ 6785.04	
A1620.420 Heat	\$ 8224.72	
A1410.110 Deputy TC	\$ 2196.50	
	\$ 1.00	A1010.100 – Town Board
	\$ 1.00	A1110.101 – Town Justice
	\$ 100.00	A1110.410 – Town Prosecutor
	\$ 2899.62	A1420.400 – Attorney
	\$ 450.00	A1620.440 – Repairs
	\$ 341.24	A1620.490 – Other Expenses
	\$ 60.70	A1650.100 – Pool PS
	\$ 626.00	A3620.100 – CEO PS
	\$ 31.20	A5132.430 – Garage, Phone
	\$ 587.41	A5182.420 – SL Entire Town
	\$ 351.35	A6772.410 – Meals on Wheels
	\$ 49.75	A7110.401 – Parks Utilities
	\$ 9417.61	A8090.400 – Enviro Control
	\$ 314.17	A9010.800 – State Retirement
	\$ 1974.61	A9040.800 – Workers Comp

TRANSFER FROM	AMOUNT	TRANSFER TO
A1990.400 Contingency	\$ 9408.00	A1420.400 – Attorney
A7140.400 Playground	\$ 18.00	A7110.400 – Parks
A9060.800 Hospital	\$ 420.00	A9050.800 – Unemployment
DA9010.800 State Retire	\$ 4830.63	
	\$ 4607.42	DA9040.800 – Workers Comp
	\$ 223.21	DA9089.800 – Medicare
SF201 Fire Cash	\$ 90,241.00	A201 – General Cash
SL5182.421- Sar Ham	\$ 277.90	
	\$ 119.00	SL5182.413 – Chaffee Ham
	\$ 158.90	SL5182.424 - Timeless

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the above mentioned transfer of funds for **2012** along with any other transfers that are necessary for the year end, and

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

IX. Unfinished Business

A. RESOLUTION #____-2013

APPROVAL OF AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

WHEREAS, the Sardinia Town Board has reviewed the agreement to spend town highway funds presented by Highway Superintendent Donald Hopkins at the January 2013 board meeting, and

WHEREAS, the Sardinia Town Board approves the request as presented, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the Agreement to Spend Town Highway Funds presented by Highway Superintendent Donald Hopkins for the year 2013, and

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

B. Discussion on Highway Barn Roof with Engineer

X. New Business

**A. RESOLUTION #____-2013
APPROVAL OF SPECIAL USE PERMIT FOR CAT SHELTER**

WHEREAS, the Sardinia Town Board has reviewed the application for a Special Use Permit from Dawn Place (A Place for Cats, Inc.) to operate a cat kennel at Olean Road, SBL No. 279.15-1-21.12, Chaffee, NY 14030, and

WHEREAS, the Sardinia Planning Board has reviewed this application prior to this date, and has recommended approval of this Special Use Permit, subject to the following conditions:

1. The kennel shall be operated as a cat rescue shelter and the maximum number of cats that may be kept on the premises at any one time shall not exceed 40 cats.
2. The Special Use Permit shall not run with the land and upon sale or transfer of title to the premises, the permit shall expire, and
3. The property owner obtaining all permits and approvals required under the Town's zoning ordinance and/or state law.

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the Special Use Permit submitted by Dawn Place (A Place for Cats, Inc.) to operate a cat kennel at Olean Road, SBL No. 279.15-1-21.12, Chaffee, New York 14030 with the above noted conditions , along with any the board decides on this date as follows: _____, and

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

**B. RESOLUTION #__--2013
AMDENMENT TO MILEAGE RATE REIMBURSEMENT**

WHEREAS, the Sardinia Town Board has approved the mileage rate of 55.5 cents per mile for reimbursement to individuals approved through the Town Board; and

WHEREAS, the Internal Revenue Service has recently issued new standard mileage rates to 56.5 cents per mile; and

NOW, THEREFORE BE IT RESOLVED , the Sardinia Town Board hereby approves the increase of the standard mileage rate to 56.5 cents per mile for any Sardinia Town officials, employees of the Town, and members of the Meals on Wheels volunteer program who perform business for the Town, and

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

**C. RESOLUTION # ____-2013
RESOLUTION TO AMEND NY SAFE ACT**

WHEREAS, The Town Board of the Town of Sardinia, Erie County, New York, and

WHEREAS, On Monday January 14th, 2013 the rights under the second Amendment of our Constitution was infringed on without due process, and

WHEREAS, The Gun Control Bill (S.2230) known as NY SAFE Act was rushed through the Senate & Assembly without a single Public hearing or input from the various Law enforcement agencies located around our State, and

WHEREAS, Even the State lawmakers did not have time to review the bill as presented leaving questions about implementation and regulation of this new law, and

WHEREAS, This law should focus on increasing penalties for criminals who use firearms to harm and threaten law abiding citizens and address the issues of mental illness related to violence, and

WHEREAS, The Town of Sardinia realizes that NY SAFE Act, gun control law must be repealed and replace the restrictive parts of the enacted law, and

NOW THEREFORE BE IT RESOLVED, that the Town of Sardinia urgently asks Governor Andrew M. Cuomo & the Legislative leaders to suspend this law as soon as possible and to look at all of the aspects of gun control using the proper legal procedure to bring about a law that will address gun control in a more logical manner, focusing on the real issues related to gun control – a law that will strengthen the effect on public safety and not infringe upon our constitutional rights.

RESOLVED, that a certified copy of this resolution be forwarded to:

Honorable **Governor Andrew M. Cuomo**, Honorable Senate Majority Leader **Dean Skelos**, Majority Leader of Independent Democratic Caucus **Jeff Klein**, Honorable Senate Minority Leader **Andrea Stewart-Cousins**, Honorable Speaker of the Assembly **Sheldon Silver**, Honorable Leader of the Assembly **Joseph Morelle**, Honorable Minority Leader of the Assembly **Brian Kolb**, and the Western New York Delegation and Erie County Legislators

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

D. RESOLUTION #____-2013
APPROVAL OF REQUEST FROM GIRL SCOUTS OF WNY
ENCHANTED MOUNTAINS NORTH EAST FOR USE OF TOWN HALL

WHEREAS, the Sardinia Town Board has received a request from the Girl Scouts of WNY Enchanted Mountains North East to utilize the Town Hall on both Sundays, March 10 and March 17, 2013 for the Mother/Daughter event and a family event; and

WHEREAS, the Sardinia Youth Board has reviewed and approved this request, noting that this organization is a not-for-profit, which waives the rental fee; and

WHEREAS, this organization has provided the Town with a Certificate of Insurance; and

NOW, THEREFORE BE IT RESOLVED, the Sardinia Town Board hereby approves the Girl Scouts of WNY Enchanted Mountains North East request to utilize the Town Hall on March 10 and March 17, 2013 for their Mother/Daughter event and family event with no rental fee applicable; and

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

E. RESOLUTION NO. _____-2013
APPROVAL OF FIREMEN'S REQUEST FOR USE OF
TOWN PARK, BATHROOMS, AND EXISTING
PORT-A-JOHNS FOR FIREMEN'S CARNIVAL

WHEREAS, the Sardinia Town Board has received requests from the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc. for use of the Town Park,

bathrooms at the park, and the existing Port-a-Johns for their annual Firemen's Carnival running from June 24, 2013 through July 3, 2013, and

WHEREAS, the Sardinia Town Board continually supports this organization and event, and

THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the request from the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY Inc. for use of the Town Park, the bathrooms at the park, and the exiting Port-a-Johns for their annual Firemen's carnival from June 24, 2013 through July 3, 2013, and

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

F. RESOLUTION # _____-2013

SETTING A PUBLIC HEARING ON THE PROPOSED AMENDMENT OF TOWN CODE SECTION 44-3 TO PROVIDE INSPECTION AUTHORITY TO THE TOWN CODE ENFORCEMENT OFFICER WITH RESPECT TO THE MINING OVERLAY AMENDMENT TO THE TOWN ZONING ORDINANCE

WHEREAS, the Town recently amended § 5-17.1 (A) (1) (j) of the Town's Zoning Ordinance to create a mined land overlay district subject to certain conditions and there needs to be an addition to the Code Enforcement Officer's authority under § 44 of the Town Code to address new inspection duties arising out of said amendment to the Town's Zoning Ordinance as described in more detail below;

WHEREAS, the Town Board has under consideration an amendment to the Town Code to authorize the Code Enforcement Officer to conduct an annual review and report to the Town Board each year on whether any property owner conducting mining within the Town pursuant to

§5-17.1 (A) (1) (j) of the Town's Zoning Ordinance continues to comply with the eligibility requirements under the Town's Zoning Ordinance and whereas the Town Board has under consideration the imposition of a fee for such inspections on the property owner using the land for mining purposes rather than imposing such cost on the tax payers;

WHEREAS, the proposed change to Section 44-3 (a) of the Town Code of the Town of Sardinia is would add a new subparagraph 12 to authorize the Code Enforcement Officer to do the following: **“to conduct on an annual basis a review of any mining operations within the Town for ongoing compliance with the eligibility requirements under Section 5-17.1 (A) (1) (j) of the Town's Zoning Ordinance, and to report to the Town Board annually. The review shall include, but is not limited to (i) obtaining records from the property owner and the New York State Department of Environmental Conservation to confirm that each mining operation has a valid permit from the NYDEC and that there have been no major violations of said permit in the past year; (ii) that the property owner is in compliance with all the terms and conditions of said permit with respect to hours of operations, ingress and egress, noise levels at the perimeter and other similar conditions which affect the quality of life of neighboring property owners; and (iii) to confirm that any mitigation of prime farmland to replace the lost prime farmland is performed and that the acreage benefited or improved is located in the Town of Sardinia. The Town is authorized to assess a fee based on the reasonable cost of conducting said inspection. The amount of said fee shall be set initially at \$200. The Town Board may from time to time amend said fee by resolution.”**

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be scheduled for ____ PM on March 14, 2013, on an amendment to the Town Code which would authorize to conduct on an annual basis a review of any mining operations within the Town for ongoing

compliance with the eligibility requirements under Section 5-17.1 (A) (1) (j) of the Town's Zoning Ordinance, and to report to the Town Board annually with the review to include, but not be limited to (i) obtaining records from the property owner and the New York State Department of Environmental Conservation to confirm that each mining operation has a valid permit from the NYDEC and that there have been no major violations of said permit in the past year; (ii) that the property owner is in compliance with all the terms and conditions of said permit with respect to hours of operations, ingress and egress, noise levels at the perimeter and other similar conditions which affect the quality of life of neighboring property owners; and (iii) to confirm that any mitigation of prime farmland to replace the lost prime farmland is performed and that the acreage benefited or improved is located in the Town of Sardinia. The proposed amendment to § 44-3 would also authorize the Town to assess a fee based on the reasonable cost of conducting said inspection which will initially be set at \$200, but which can be amended from time to time amend by Board resolution.

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

**G. RESOLUTION # _____-2013
ISSUANCE OF NOTICE AND ORDER FOR UNSAFE BUILDINGS**

WHEREAS, Pursuant to Chapter 46 of the Town of Sardinia Code the Town of Sardinia Code Enforcement Officer has notified that the buildings located at 12059 Olean Road and 12880 Schutt Road are dangerous and unsafe, and,

WHEREAS, the Code Enforcement Officer has recommended that the Town Board issue an Order and Notice of the owners of these properties pursuant to Section 46-5 of the Town of Sardinia Code directing the property owners to demolish and remove the unsafe buildings;

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby directs that the Code Enforcement Officer serve the attached notice on the property owners, in the manner prescribed in Section 46-4 of the Town Code, and that the Town Attorney file a copy of said notice with the Erie County Clerk's Office; and,

BE IT FURTHER RESOLVED, that the deadline for the owners to complete the removal is set at _____, and that if the removal is not complete by that date a public hearing shall be held on _____ to determine whether the Town shall remove the buildings and to assess all of the cost and expense of the proceedings to remove the buildings against the land on which the buildings are located;

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

Discussion on Firemen's LOSAP plan – approval of participants for 2012.

Discussion on Waste Management Special Use Permit application on Valley Fill

Receipt of Memorial Volunteer Fire Company of Chaffee-Sardinia, NY Reports as follows:

1. November Treasurer's Report
2. November Minutes of Meetings
3. December Minutes of Meetings
4. December Treasurer's Report

Notice received County Executive Poloncarz regarding EC Consortium Community Development Block Grant Program awarded to Rural Transit Service.

Receipt of Annual Report from Town Historian Leo McCarthy

XI. Executive Session

XII. Motion to Adjourn

Be it so resolved,

Motion:	Second:	Time:
Aye:	Nay:	Abstain:

