

AGENDA
 REGULAR MEETING
 DATE: July 11, 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 Mary Hannon at _____ pm
- II. Roll Call
- III. Pledge of Allegiance
- IV. Moment of Silence
- V. Approval of Minutes -
- VI. Opening of Roof Bids - Set Special Meeting Date for Approval of Bids
- VII. 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

VIII. Public Comment Period

IX. Approval of Bills

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

WHEREAS, the Town of Sardinia Board approves the following transfer of funds:

TRANSFER FROM	AMOUNT	TRANSFER TO
A1990.400 Contingency	\$1900.00	A7989.410 Celebrations

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the above mentioned transfer of funds for 2013, and

Be it so resolved,

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

X. Unfinished Business

**A. RESOLUTION # _____-2013
APPROVAL TO SUPPORT
RESOLVING ISSUES OF CONTRACT BETWEEN ERIE COUNTY
DEPARTMENT OF PUBLIC WORKS AND 25 TOWNS IN ERIE COUNTY FOR
SNOWPLOWING DE-ICING SERVICES**

WHEREAS, the Town of Sardinia recognizes that plowing and de-icing the town, as well as county roads, is in the best interest and safety of its residents, and

WHEREAS, Erie County and the 25 towns within the county have negotiated contracts which assure that the majority of the county roads within the towns would be maintained according to the same snow and ice control methods used on all town roads, and

WHEREAS, such methods have been approved by the Erie County Department of Public Works, and

WHEREAS, in the past, all costs of manpower, equipment, and materials have been calculated to the satisfaction of all parties, and

WHEREAS, any issues that have arisen during snow and ice control in previous years have been resolved by all parties involved, and

WHEREAS, a new contract between the Towns and Erie County is currently being negotiated, and

WHEREAS, on March 20, 2013, there was a tentative agreement between the towns and Erie County which included a 3-year term with an annual increase of 5.0% as was past practice, and

WHEREAS, this agreement was considered fair and within the budgeting confines of Erie County, and

WHEREAS, ON April 16, 2013, Erie County made a counter proposal to increase the contract from 3 years to 5 years and to reduce the monetary increase to 0.5% and

WHEREAS, the county proposed rate is one the towns cannot afford, and

WHEREAS, the budgetary planning for 2014 is going to be starting in many municipalities, and

WHEREAS, the deadline for towns to order road salt de-icer is now past,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Sardinia calls on the Erie County Executive and the Erie County Legislature to help resolve the issue between the Erie County Department of Public Works and the 25 towns within the County of Erie with regards to snow removal and de-icing of county roads within the towns that is fair and equitable to all parties, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Sardinia is to transmit copies of this resolution to Erie County Mark Poloncarz, Erie County Legislator John Mils, Erie County Legislature Chairwoman Betty Jean Grant, and Erie County Department of Public Works Commissioner John Loffredo, and the other towns within Erie County.

Be it so resolved,

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

B. RESOLUTION # _____-2013

SETTING A PUBLIC HEARING ON THE PROPOSED AMENDMENT OF TOWN CODE TO AMEND CHAPTER 99 TO ADD A NEW ARTICLE IV, SECTIONS 99-12, 99-13, 99-14, 99-15, 99-16, 99-17AND 99-18

WHEREAS, the Town Board unanimously passed a resolution at its Board Meeting on June 13, 2013 approving the collection of data and information for a possible tax relief program; and

WHEREAS, substantial data has already been collected through the efforts of the Town Supervisor, Town Tax Assessor, the Town Attorney and the Town’s Accountant and the Town Supervisor has sent a letter dated July 1, 2013 to the citizens enclosing a survey and requesting

further input by August 1, 2013 regarding the proposed amendment of the Town Code to provide tax relief to the property owners in the Town of Sardinia; and

WHEREAS, the Town of Sardinia receives the vast majority of its revenues from tipping fees paid by Waste Management under a municipal host agreement and these fees have enabled the Town—by taking appropriate steps to ensure financial responsibility for its other expenses—to eliminate the Town portion of property taxes and to build up a general reserve fund of approximately \$2.5 Million and additional contractual commitments were obtained through negotiations conducted by the Town Supervisor and approved by the Town Board in 2013 to ensure the continuation of these revenues well into the future; and

WHEREAS, the Town’s accountant has informed the Town that the New York State Comptroller has expressed concern that the General Reserve Fund exceeds the limits permitted by law; and

WHEREAS, the data and information gathered to date indicate that it would be possible to provide a one-time tax relief totaling \$2,000,000 collectively to property owners in the Town of Sardinia and still retain a reserve of approximately \$500,000 which will be more than sufficient, particularly given the annual income in tipping fees and the average annual spending of \$1.5 Million by the Town as reflected in recent budgets set during the past four years to provide an adequate reserve and at the same time preserve the elimination of Town portion of property taxes; and

WHEREAS, the data and information collected to date indicate that the utilization of an appropriate portion (consisting of approximately \$2 Million) of the Town’s general reserve fund which now totals approximately \$2.5 Million for a one-year tax relief program will benefit the Town and constitute a “public purpose” by benefiting a number of public needs including

attracting and retaining family farms, young families, businesses and seniors and providing an economic stimulus to the local economy; and

WHEREAS, the Town Board has determined that it is in the public interest to hold a public hearing to obtain input from the Town residents and taxpayers as to an Amendment to the Town Code to add a new Article IV to Chapter 99 for the purpose of establishing a Tax Relief Program for 2013.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing is scheduled for 6:15 PM on August 8, 2013 to solicit input and comments from the taxpayers, property owners and residents of the Town of Sardinia on the proposed amendment to the Town of Sardinia's Town Code to add a new Chapter IV to Article 99 with the following proposed sections which are proposed to establish a Tax Relief Program for the 2013:

§ 99-12. Title.

This Local Law shall be known and cited as the Town Relief Under Sardinia Taxes" law or "TRUST."

§ 99-13. Qualification for Tax Relief Provided For One Year.

- A. Tax Relief shall be provided for a single year, anticipated to be 2013, on Real Property situated within the bounds of the Town of Sardinia, Erie County, New York, owned by one or more persons and provided further that for purposes of qualification each business and/or household shall receive only one tax rebate so that those businesses or households holding more than one parcel may choose the particular parcel on which to base their tax rebate. The amount of the tax relief to be provided to each such business and/or household shall be up to 100% of the school tax levy paid on the parcel but not to exceed a total tax rebate for each such parcel of \$1,500.00 as the maximum amount.
- B. In addition to the qualifications set forth in paragraph § 99-13 A, the title of the property must be vested in the owner or all of the owners of the property, pursuant to the requirements of Section 467 of the New York State Real Property Tax Law prior to the date of making application for the Tax Relief.

§ 99-14. Application for Tax Relief.

An application for such the real property Tax Relief must be submitted by the owner or owners of the property to the Town Supervisor’s Office within 30 days after the due date for payment of the school taxes and thereafter, before a check will be issued, there must be submitted proof of timely payment of the total school tax levied. An application form shall be provided by the Town Supervisor. A failure to submit a timely application or failure to pay the school tax on a timely basis shall be an irrevocable waiver and disqualification for this Tax Relief payment.

§ 99-15. Expiration.

This law shall expire upon the payment of the one-time Tax Relief payment to all qualified tax payers, unless renewed by Town Board, in its sole discretion, and upon a finding of adequate funding in future years.

§ 99-16. Separability.

Should any section, paragraph, clause or phrase of this Local Law be declared unconstitutional or unjust for any reason by a court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

§ 99-17. Inconsistency.

The tax relief provided hereunder is in addition to any other tax relief and/or exemption to which the property owner or owners are entitled.

§ 99-18. Effective date.

This Local Law shall take effect immediately.

Be it so resolved,

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

Mike and Julie Juliano Request for reduced speed signs

Susan Johnson, representative of Senator Gallivan’s office will be coming to the August 8, 2013 board meeting.

Memorial Volunteer Fire Company of Chaffee-Sardinia fundraising events scheduled for 2013:
Tool Raffle – September 8, 2013.

XI. New Business –

**A. RESOLUTION #____-2013
APPROVAL OF PURCHASE OF PRINTING NEW ZONING BOOKS
FOR TOWN OF SARDINIA**

WHEREAS, the Supervisor Mary Hannon has reviewed the need for new updated Zoning Books and Town Code Books for the Town of Sardinia which are easier to update in the future, and

WHEREAS, the cost for the Zoning Books, binders, cover sheets, and document review costs have exceeded the \$500 amount, totaling \$713.90, costing \$14.28 for each book; and

WHEREAS, the Sardinia Town Board realizes the need for improvement on these books which would save money and confusion for the Town in the future, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the bill from Anything Printed in the amount of \$713.90 for the printing of the new Zoning Books/binders/cover sheets/ and review of documents; and

Be it so resolved,

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

**B. RESOLUITON #____-2013
APPROVAL OF NEWLY PRINTED ZONING BOOKS AND TOWN CODE BOOKS
FOR THE TOWN OF SARDINIA**

WHEREAS, Supervisor Mary Hannon has reviewed the need for updating the current Zoning Ordinance Books and the Town Code Books for the Town of Sardinia, and

WHEREAS, after careful review, the Sardinia Town Board approves the updated documents to take the place of the old Zoning Books and Town Code Books for the Town of Sardinia, and

NOW, THEREFORE BE IT RESOLVED, the Sardinia Town Board hereby approves the documents known as the “Town of Sardinia Zoning Ordinance, and the Code of the Town of Sardinia New York” as the newly updated documents for the Town to utilize this day forward, and

Be it so resolved,

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

Receipt of Memorial Volunteer Fire Company of Chaffee-Sardinia, NY Reports as follows:
Audit for 2012 -
Minutes of May, 2013
Treasurers Report of May, 2013

XI. Executive Session

XII. Motion to Adjourn

Be it so resolved,

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