

3-11-2010 – REGULAR MARCH BOARD MEETING

Present:

Councilman Cheryl L. Earl
Councilman David L. Montgomery
Councilman Norman J. Uhteg
Supervisor Mary L. Hannon

Absent:

Councilman Daniel L. Miller

Also Present:

Attorney Alicia Rood
Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
Approx. 45 guests

The Sardinia Town Board held its Regular March Town Board meeting for 2010 on March 11, 2010 at the Sardinia Community Center. Supervisor Mary L. Hannon welcomed everyone, and called the meeting to order at 6:30 PM, with the Pledge to the Flag and a moment of silence.

Supervisor Hannon stated she has contacted the County and has been given the okay to use the CDBG sidewalk grant to replace the sidewalks that were torn up from the Chaffee water project. She stated those would be the ones up Grove St. and has gotten approval to go into Manion Park with the sidewalk. They have also told her that the engineering costs from here forward can be reimbursable legally if three quotes for engineering are gotten. Mr. Uhteg asked why Allen Rd. was not included in the plans, stating that there are no sidewalks whatsoever on Allen Rd. and that is where they are most important, for safety purposes. The Supervisor stated that no one on Allen Rd. seems to want sidewalks, and she doesn't want to go against people who don't want them. Councilman Earl stated that no one maintains them, and felt that if people don't want to maintain them, they shouldn't be forced to have that liability. On a motion by Earl, seconded by Montgomery, three bids for engineering will be solicited. Carried, with Earl, Montgomery and Hannon voting aye, Miller absent, and Uhteg voting no. The Supervisor also stated that she attended a Webinar on NYSERTA funding opportunities, and we may be able to find funding for windows in this building from that source. Grant applications are due April 7th. She stated that the Town may also be eligible for a grant for 50% reimbursement on the brush chipper, and would like permission to seek and interview grant writers. On a motion by Earl, seconded by Montgomery, the Town will conduct interviews for a grant writer. Carried, 4 ayes, 1 absent, 0 noes.

Councilman Uhteg stated he has a list of intersections that need streetlights, which includes Rt. 39 & Pratham Rd., Rt 39 & Van Slyke, Rt. 39 & Hakes Rd., Rt. 39 & Johnson Rd., Johnson & Middle Rd., Warner Gulf & Allen Rd., Allen & Domes Rd, and Middle Rd. & Pratham Rd. He stated he has contacted NYSEG, who will send a representative to meet with him. He also stated that the rules concerning the Automatic External Defibrillator have changed, and he will continue to look into who may operate and run them. Mr. Uhteg stated he has gotten some calls regarding the Summer Concerts in the Park series, and would like permission to go ahead and get some bands booked for the events. He suggested a \$350.00 per event limit. On a motion by Earl, seconded by Montgomery, the Board gave Mr. Uhteg permission to start bookings for the Concerts in the Park, with a \$350.00 per event limit. Carried, 4 ayes, 1 absent, 0 noes. Councilman Uhteg suggested the possibility of contracting with the American Legion for Veterans Services in the same way that the Town contracts with the Youth Baseball League. Supervisor Hannon stated that was a very good idea, and Mr. Uhteg was asked to work up an agreement.

The Town Clerk has submitted the minutes of the February 11, 2010 Regular Town Board meeting, which were approved and filed on a motion by Earl, seconded by Uhteg, and carried, 4 ayes, 1 absent, 0 noes.

Councilman Cheryl Earl stated the Youth Committee has put out the advertisements for summer staff for the Summer Youth Program, and applications are coming in for those positions and they will start interviewing applicants shortly. She stated that in regards to the USDA loan funding for the Chaffee Water customers, they were in the field today doing evaluations to see what was needed. She stated that the bleachers have been ordered for the baseball diamond at Manion Park, and they will be delivered to the Highway Barn. Supervisor Hannon asked how many people the USDA has been able to service. Councilman Earl stated about 12.

Councilman Montgomery reported that the Dept. of Emergency Services needs to update the Town's All Hazard Mitigation Plan every 5 years, and Sardinia's is due this year. He stated they want a date to meet here, possibly in May. Mr. Montgomery suggested an evening. May 3rd was tentatively set as the date. Mr. Montgomery also stated that there is a Local Emergency Mutual Aid Assistance Agreement for coverage at a scene other than in their own Towns, by Disaster Coordinators. It will be sent to the Attorney for the Town for review. The possibility of using the Town's new Environmental Fund for the purchase of carbon monoxide detectors for Sardinia residents was raised by Mr. Montgomery, and discussed by the Board. It was noted that carbon monoxide is a gas, therefore qualifying as environmental. He stated he has checked around and found the best deal is a plug in unit with a battery backup for a little over \$20.00 each. Questions included advertizing and calling in to request a unit. Attorney Alicia Rood suggested that a resolution on how the calls will be handled, etc., be drafted for adoption at the next meeting. Mr. Montgomery stated that the Senior Citizens have 2 trips planned, one in June to Pennsylvania, and one in July to Watkins Glen. They will be charging each person \$25.00 for the June trip and would like the Town to pay the balance. He stated they need a \$500.00 deposit on the bus by tomorrow, and the Town's share of the entire trip will not exceed \$3,500.00. On a motion by Earl, seconded by Uhteg, payment of \$500.00 for the deposit on the bus was approved, with the entire trip cost to the Town not to exceed \$3,500.00. Carried, 4 ayes, 1 absent, 0 noes.

Supervisor Hannon asked Virginia Domes to update the Board on the Historical Society's activity, and Mrs. Domes stated that the Historical Society now has received its Charter, and putting it closer to their 501c3 non-profit organization status.

The Supervisor stated she will be working on a plan to sign the Meeting House over to the Society.

Stepping in for Town Attorney Linda Joseph is her Associate, Alicia Rood, who reported on the status of legal matters affecting the Town. She stated that the lawsuit between the Town and Gernatt was dismissed by the Appellate Division based on the resolution by the Town to withdraw that lawsuit. She also stated that the Town is awaiting an Order from the County Court Judge on the matter that Judge Vossler had recused herself from; Ms. Rood stated that the case will be transferred to the Town of Holland Court.

Highway Superintendent Hopkins stated that the new Highway Dept. sign is now up on the building. He also stated he has spoken to Tom Lewis of Waste Management, and the next Household Hazardous Waste Drop off day will be on Saturday, April 24th, and Mr. Hopkins stated that the Town's Annual Spring trash pickup will be scheduled for April 19th through April 22nd. He suggested that the Town's ad stated that refrigerators should be taken to Waste Management during the Household Hazardous drop off day, and Mr. Lewis stated there would be no charge to do so. Highway Superintendent Hopkins then stated that he has received 2 bids for the truck chassis and plow, 2 bids for the dump body, and 4 bids for the brush chipper. He then opened the Truck bids, which were as follows:

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| West Herr Dodge, Orchard Park, NY | \$41,500.00 |
| West Herr Ford, Hamburg, NY | \$39,495.00 |

Bids on the Dump body were as follows:

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| Cyncon Equipment, Rush, NY | \$48,950.00 |
| Viking-Cives, Oakfield, NY | \$35,527.00 |

Bids on the Brush Chipper were as follows:

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| Baschmann Services, Elma, NY | \$33,722.00 (Carlton Apache Chipper) |
| Baschmann Services, Elma, NY | \$28,399.00 (Woodsmen Chipper) |
| Vermeer Northeast, Castleton, NY | \$21,550.00 |
| The L.C. Whitford, Co., Inc. | \$23,722.00 |

Mr. Hopkins will review the bids and make a recommendation later in the meeting. He stated that he has not received any bids on the surplus truck.

Under Public Comments, Kara Kane stated that there is a project underway to bring high speed internet service to the rural areas of the Buffalo region. She stated people can go to Google Fiber and fill out information to hopefully help make that happen.

Supervisor Hannon stated that before approving the bills, she needs to explain a couple of things. First, Network Services, the Town's previous computer tech company, notified that a bill from October of 2009 had not been paid, and filed a small claims case against the Town. She stated that the Town had purchased a computer, but there was never a billing for that computer. She stated that she has included it on this Warrant for payment. Attorney Rood stated she has spoken to their attorney and when payment is made, the case will be dropped. The Supervisor also explained that there is also a billing from former ZBA attorney Stanton. There were questions about the billing, and she referred it to the current ZBA chairman. She stated that from now on, if someone contacts an attorney, they should get authorization from their department head or chairman first, otherwise they may be held responsible for the fees incurred. She then asked for a motion to approve payment of the bills, and on a motion by Montgomery, seconded by Earl, General Fund Warrant #3 of 2010, including vouchers #105 through #164, totaling \$34,004.05; and Highway Fund Abstract #3 of 2010, including vouchers #27 through #41, and totaling \$15,543.54, were approved for payment. Carried, 4 ayes, 1 absent, 0 noes.

Under unfinished business, the Supervisor stated she had asked Attorney Rood to put together some kind of criteria and procedure for use of the new Environmental Fund. She has done so, and the Supervisor would like to have everyone look it over, and would like Councilman Earl to help put together wording. Ms. Hannon stated this is a large undertaking, and it will be up to the board to decide how it will work.

Supervisor Hannon stated that concerning the Public Hearing on the ZBA member who has not received the proper training, and his possible removal, the ad never appeared in the Springville Journal even though it was e-mailed there, therefore the hearing will be postponed until the April 8th meeting. The following resolution, to be known as Resolution #18 OF 2010, was then moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #18 - 2010
NEW DATE FOR PUBLIC HEARING ON
ZONING BOARD OF APPEALS MEMBER THEODORE KROSLICK**

WHEREAS, the Town Clerk had provided the Springville Journal and the Arcade Herald with a copy of a Notice of Public Hearing, scheduled for March 11, 2010, on whether Theodore Krolick had fulfilled the training required for members of the Zoning Board of Appeals under NYS Town Law Section 267 and whether Mr. Krolick should be removed as a member of the Zoning Board of Appeals based on his failure to receive such training;

WHEREAS, despite receiving timely notice of such hearing, the Springville Journal failed to publish said notice;

NOW THEREFORE BE IT RESOLVED, that the public hearing be adjourned until 6:00 pm on April 8, 2010, and that notice of the adjourned date be provided to the Springville Journal and the Arcade Herald and Mr. Krolick.

Upon roll call vote, Earl, aye, Miller, absent, Montgomery, aye, Uhteg, aye, Hannon, aye. So Resolved.

Supervisor Hannon stated that under New Business, the Board is proposing a Local Law establishing training requirements for Planning Board and Zoning Board of Appeals members. The Board then discussed and decided on these training requirements and procedures to be included in the Local Law. The following resolution, to be known as Resolution #19 of 2010, was moved for adoption by Montgomery, seconded by Earl:

**RESOLUTION #19-2010
RESOLUTION REGARDING TRAINING AND ATTENDANCE REQUIREMENTS FOR
PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS**

WHEREAS, New York State Town Law Sections 267 and 271 provided that effective January 1, 2007, all Planning Board and Zoning Board of Appeals Members in New York State, as well as alternate members of those Boards, must complete a minimum of four (4) hours of training each year; and

WHEREAS, the above Sections of state law provide that a Planning Board or Zoning Board of Appeals Member shall not be eligible for reappointment to such Board if they have not completed the training required by law; and

WHEREAS, the Town Board is also authorized to establish by local laws minimum attendance requirements for members of the Planning Board and Zoning Board of Appeals,

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be scheduled to adopt the following Local Law:

**LOCAL LAW NO. 1
OF 2010
OF THE TOWN OF SARDINIA**

SECTION 1 – TITLE

This Local Law shall be known and cited as “Training and Attendance Requirements for Members of the Planning Board and Zoning Board of Appeals.”

SECTION 2 - LEGISLATIVE INTENT AND PURPOSES

SECTION 3 - TRAINING REQUIREMENTS AND PROCEDURES

- (a) Each member of the Planning Board and Zoning Board of Appeals shall complete a minimum of four (4) hours of training each calendar year as required under Town Law Sections 267 and 271.
- (b) The training requirements may be satisfied by educational activities substantially devoted to planning, zoning, community design, environmental issues, economic development, local government functions and practices, or other land use issues, such as 1) attending conferences, seminars or workshops; 2) participating in on-line training or tutorials; 3) attending college courses; and, 4) any other educational activities considered acceptable by the respective Board Chair. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity.
- (c) Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
- (d) Any new member appointed to fill the last twelve (12) months of a term shall not be required to have attended training to be reappointed to a first full term, but must comply thereafter with the requirements of this Section.
- (e) Each member shall provide the Chair of the respective Board with proof of attendance and/or completion of any training. The Chair of the respective Board shall notify the Supervisor, prior to the Town’s annual organizational meeting, if any member of the Planning Board or Zoning Board of Appeals failed to complete the required training in the preceding year.
- (f) A member may apply to the Town Board for a waiver from the minimum four (4) hour training for any years of their appointed term due to a hardship and/or lack of reasonable training

SECTION 4 - TRAINING REQUIREMENTS AND PROCEDURES

- (a) Members of the Planning Board and Zoning Board of Appeals are expected to attend all regularly scheduled meetings, except in cases of illness, family emergency or personal commitments whose scheduling is not within the control of the member (e.g., weddings, anniversaries, birth of a child or grandchild, etc.)
- (b) If a member is unable to attend a scheduled meeting he or she shall, as soon as practicable, notify the Chair of the respective Board. Except in the case of illness or other emergency, notice shall be provided at least twenty four (24) hours in advance and the absent member shall make arrangement to provide the designated alternate with any documents necessary to prepare for and participate at the meeting.
- (c) Planning Board members must attend at least one meeting each month, and may not miss more than six (6) meetings in any year.

(d) Zoning Board of Appeals members may not miss more than two (2) successive meetings or more than fifty percent (50%) of the meetings in any year.

(e) The Chair of each respective Board shall notify the Supervisor if any member has failed to comply with the attendance requirements set forth above.

(f) A member may apply to the Town Board for a waiver from the attendance requirements set forth in this local law based on hardship.

Upon roll call vote, Earl, aye, Miller, absent, Montgomery, aye, Uhteg, aye, Hannon, aye. So Resolved. The Board then scheduled a Public Hearing on the proposed Local Law #1 of 2010 for April 8, 2010 at 5:45 PM.

Supervisor Hannon stated that there were several appointments that had not been made at the 2010 Organizational meeting, or positions that have become vacant since, and need to be filled. The following resolution, to be known as Resolution #20 of 2010, was then moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #20-2010
ADDITIONAL APPOINTMENTS**

WHEREAS, the following positions were either not appointed at the 2010 Organizational Meeting for the Town of Sardinia or have become vacant since then, and

NOW THEREFORE BE IT RESOLVED that the Town Board appoints the following individuals:

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| Cleaner PT | Roxana Waters at \$10 per hour |
| Planning Board Member | Robert Hill at \$39.40 per meeting |
| Recreation Administrator PT | Laura Marshall at \$15 per hour |
| Recreation Director PT | Ann Mangan at \$11.50 per hour |
| Town Justice | Ronald F. Thompson at \$9442 Annually |

Upon roll call vote, Earl, aye, Miller, absent, Montgomery, aye, Uhteg, aye, Hannon, aye. So Resolved.

The Supervisor stated that the new Town Justice will need to attend training classes, and that the Board needs to authorize his attendance at said sessions. Therefore, the following resolution, to be known as Resolution #21 of 2010 was then moved for adoption:

**RESOLUTION #21-2010 Approving Town Justice to Attend Training
Provided by the Office of Court Administration**

WHEREAS, the Office of Court Administration is offering its annual training for newly elected or appointed Justices in Syracuse New York on the days of April 9 -10, April 16-17, and April 23-24 and,

WHEREAS, it is submitted that it is in the best interests of the Town for the appointed justice to attend these conferences;

WHEREAS, there is no fee for this training; and,

NOW THEREFORE BE IT RESOLVED, that, the following appointed new Town Justice Ronald F. Thompson attend the certification training as mentioned and that the Town shall pay reasonable hotel expenses and meals, in accordance with the Town's meal reimbursement policy, as well as mileage to and from Syracuse.

Upon roll call vote, Earl, aye, Miller, absent, Montgomery, aye, Uhteg, aye, Hannon, aye. So Resolved.

The Supervisor stated she has been looking into different options and solutions to save time and money for the Town. She stated that the cost to have Paychex do the payroll would cost \$100.00 per month. She stated that the cost to have her secretary/bookkeeper do the payroll is actually more than that. She stated it would be a little more in the summer with the pool staff added, but stated it will still be less expensive. Councilman Uhteg stated he is opposed to this idea, stating that he feels it's too much for only 20 checks or so. The following resolution, to be known as Resolution #22 of 2010, was moved for adoption by Earl, seconded by Montgomery, as follows:

RESOLUTION #22-2010 – APPROVAL TO OUTSOURCE PAYROLL

WHEREAS, it is cost effective for the Town to retain the services of an outside vendor to prepare and issue paychecks for the Town's employees;

WHEREAS, the Office of the Comptroller has cautioned municipalities that because the use of outside vendors requires disclosure of employees' social security numbers and other personal information to the vendor that in addition to the cost of said services, municipalities must ensure that any vendor can maintain the security of all personal information, including social security numbers;

WHEREAS, Paychex is a nationally recognized provider of payroll services and has the systems in place to safeguard the security of all personal information, including social security numbers; and,

WHEREAS the Town has received the attached proposal from PayChex to provide payroll services to the Town;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is authorized to enter into a contract with Paychex to provide payroll services on the terms set forth in the attached proposal.

Upon roll call vote, Earl, aye, Miller, absent, Montgomery, aye, Uhteg, no, stating that he feels its too much for only 20 checks or so. Hannon, aye. So Resolved.

Supervisor Hannon stated that the Dog Shelter Lease Agreement between the Town and the Dog Control Officer, Duane Degolier, will expire on or about March 14, 2010. She stated that the only change in the agreement would be that Mr. Degolier is asking for an increase in the daily rate for housing dogs, from \$5.00 to \$8.00 per day. Therefore, the following resolution, to be known as Resolution #23 of 2010, was moved for adoption by Uhteg, seconded by Earl:

**RESOLUTION #23-2010
APPROVAL OF SHELTER LEASE AGREEMENT**

WHEREAS; the lease entered into between the Town and Mr. Degolier to provide care and shelter to dogs seized by the Town's Dog Controller Officer expires on or about March 14, 2010;

WHEREAS Mr. Degolier has requested that the daily rate be increased from five dollars per day per dog to eight dollars per day per dog, with the remaining terms of the March 2008 lease remaining in effect; and,

WHEREAS, the Town has been satisfied with the services provided by Mr. Degolier;

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to execute the attached Shelter Lease Agreement

Upon roll call vote, Earl, aye, Miller, absent, Montgomery, aye, Uhteg, aye, Hannon, aye. So Resolved.

The Supervisor stated that the new Environmental Fund, part of the first amendment to the Host Municipal Agreement between the Town and Waste Management, which will be \$25,000.00 per year, was not included in the 2010 Budget, and amendment to the Budget needs to be made to include the revenue. Therefore, the following resolution, to be known as Resolution #24 of 2010, was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #24-2010
AMENDMENT TO THE BUDGET TO ESTABLISH AN ENVIRONMENTAL FUND**

WHEREAS in December 2009 the Town entered into the First Amendment to the Host Municipal Agreement between Waste Management of New York LLC and the Town of Sardinia, ("First Amendment");

WHEREAS, as part of the First Amendment, Waste Management agreed to contribute \$25,000 annually to the Town's Environmental Fund to fund environmental projects within the Town;

WHEREAS the First Amendment was not entered into until after the adoption of the 2010 budget for the Town of Sardinia;

WHEREAS, Waste Management has tendered to the Town a \$25,000 contribution to the Town's Environmental fund for 2010;

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby establishes an Environmental Fund, which shall be used for environmental projects within the Town;

BE IT FURTHER RESOLVED, that the 2010 budget for the Town of Sardinia is hereby amended to include the \$25,000 contribution by Waste Management to the Environmental Fund.

BE IT FURTHER RESOLVED that the Town Board may consider requests for specific projects to be funded from the Environmental Fund during 2010.

Upon roll call vote, Earl, aye, Miller, absent, Montgomery, aye, Uhteg, aye, Hannon, aye. So Resolved.
Requests included:

The Chaffee-Sardinia Fire Company has requested use of the Genesee Rd. Park and the restrooms from June 27 through July 5, 2010, for its annual Carnival. On a motion by Earl, seconded by Uhteg, the Board gave the Fire Company permission to use the Park on those dates. Carried, 4 ayes, 1 absent, 0 noes.

The Chaffee-Sardinia Youth Baseball League has requested contractual funding in the amount of \$1,400.00, as per the 2010 Budget. On a motion by Earl, seconded by Montgomery, the Board authorized the Supervisor to execute the 2010 contract between the Town and the Chaffee-Sardinia Youth Baseball League. Carried, 4 ayes, 1 absent, 0 noes.

St. Jude's Roman Catholic Church is requesting use of the Town Hall/Community Center for their annual Chinese Auction fund raiser on Friday September 24th for set up, and Saturday September 25th for the event itself. On a motion by Uhteg, seconded by Earl, St. Jude's Church was given permission to use the building on those dates. Carried, 4 ayes, 1 absent, 0 noes.

Code Enforcement Officer Marv Zielonka has sent a letter requesting that the Town Justice Court have a second Prosecutor night each month in order to alleviate the congestion caused by the once a month court night. He suggested that the Town look into negotiating a new agreement with the Town Prosecutor. After discussion about

2010 budget issues, the Board decided that they would handle the matter at Budget time and try to have 2 Prosecutor nights starting in 2011.

Supervisor Hannon reminded that the next Household hazardous Drop off Day will be held on Saturday April 24th from 8 AM until noon.

The Supervisor asked the Highway Superintendent if he has finished review of the bids. He stated he has not, and would like a 15 minutes recess to compare further. On a motion by Uhteg, seconded by Earl, the Board took a 15 minute recess. Carried, 4 ayes, 1 absent, 0 noes.

The Board then came back from recess at 7:46 PM. Highway Superintendent Hopkins stated he has questions on the brush chipper and truck chassis bids, explaining that some specs were not met in some of the bids, and how, and he would like a chance to talk to the representatives of the companies. Councilman Uhteg asked if the matter could be tabled until next month. Mr. Hopkins stated he preferred to do it as soon as possible, and asked if the Board could schedule a Special Emergency meeting to award the bids. After discussion of scheduling, the Board decided to hold a Special Emergency meeting on Tuesday evening, March 16, 2010 at 5:45 PM to award the bids for the truck chassis and the brush chipper. The Highway Superintendent stated that he feels the bid award can be made on the stainless steel dump body, since the specs seem to be met by both bidders, and there is a large monetary difference in the bids. Therefore, the following resolution, to be known as Resolution #25 of 2010, was introduced by Montgomery, seconded by Earl:

RESOLUTION #25 - 2010
RESOLUTION TO AWARD BID FOR DUMPBODY FOR HIGHWAY TRUCK

RESOLVED, the Sardinia Town Board hereby awards the bid for the Stainless Steel all-season dump box, mounted, to Viking-Cives with a low bid of \$35,495.00, pending approval of the Attorney for the Town and Highway Superintendent Donald Hopkins; with second lowest bid by Cyncon Equipment, with a bid of \$48,950.00.

Upon roll call vote, Earl, aye, Miller, absent, Montgomery, aye, Uhteg, aye, Hannon, aye. So Resolves.

The Supervisor clarified that the earlier appointment to the Planning Board was made due to the resignation of Planning Board member Lynette Franz.

There being no further business to come before the Board, on a motion by Earl, seconded by Montgomery, the meeting was adjourned at 7:52 PM. Carried, 4 ayes, 1 absent, 0 noes.

Respectfully Submitted,

Town Clerk