

7-14-2011 – REGULAR 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 for the Town Linda Joseph
Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
Approx. 16 guests

The Sardinia Town Board held its Regular Town Board meeting for July 2011 on July 14, 2011 at the Sardinia Town Hall/Community Center. Supervisor Mary Hannon called the meeting to order at 6:30 PM, with the Pledge to the Flag and a moment of silence.

The Town Clerk has submitted the minutes of the June 9, 2011 Public Hearing on Local Law #2 of 2011, Amendments to the Zoning Ordinance, and the June 9, 2011 Regular Town Board meeting. On a motion by Earl, seconded by Montgomery, those minutes were approved as written. Carried, 4 ayes, 1 absent, 0 noes.

Departmental Reports included:

Supervisor Hannon stated that she had toured Waste management's Lakeview Landfill in Pennsylvania to review their liquid solidification process. She stated it was a good tour and got explanations on some things that she had had questions on. She stated she had met with Tom Lewis on some items concerning the Special Use permit, and he has also informed her that the monitoring report has been posted on their website. The Supervisor stated she met with Mark Gaston of Erie County Soil & Water concerning the residence with the washout problems. Mrs. Hannon thanked Sherry Stevens for the planting of the gardens under the sign in front of the building, noting that all of the work had been volunteer, with the Town only picking up the cost of the plants and mulch. She stated she and Councilman Montgomery had met with Senator Pat Gallivan today and topics discussed were the roads, the wash out on Rt. 39, and the recently adopted tax cap. Supervisor Hannon stated she has received letters from the Fire Company informing of the addition of 2 new firemen, Randi Shaw and Warren Davis, both Town residents. She stated that a dividend check has been received from Lovell Safety Management in the amount of \$3,875.00. She also informed that on the County Legislative apportionment issue, the County Executive vetoed the plan that the southern rural towns were not in favor of, and she feels he is trying to come up with a plan that is fairer.

Councilman Uhteg reported on the seminar that he attended in Binghamton on hydrofracking, stating that he felt it was very interesting and in depth. He stated that Towns have the right to protect their water and their roads. He stated the Towns get Road Bond Agreements with the driller, before the drillers even come in, having an engineer assess the condition of the roads and the mining company has to fix any damage done. Mr. Uhteg stated that as far as preservation and protection, the Towns are adopting Aquifer Protection Laws. He stated that the Towns also have the right to find out what contaminants are in the waste water from the hydrofracking before it is taken to treatment plants or landfills. He felt it was very informative.

Councilman Montgomery reported that he had attended a press conference at the Fire Training Center, and Sardinia was one of 16 Towns to receive a laptop computer to put the Special Needs Form information on, and stated the laptops were purchased with grant money. He stated the equipment will be kept at the Town Hall. He stated that the NIMCAST information can also be kept on the laptop and updated yearly.

Councilman Earl reported that the Summer Recreation program will be taking a field trip to Fantasy Island on August 3rd, and the low bid for the bus was Holland Central School at \$340.00. She stated that the buses will pick up the attendees at 10 AM at the Park, and the cost per person will be \$5.00 for admission and \$5.00 for the bus. She stated the balance of the \$12.95 per person ticket will be paid by the Town in the amount of \$745.00 for Fantasy Island and the \$340.00 for the bus, for a total of \$1,085.00 to be paid by the Town. The following resolution, to be known as Resolution #55 of 2011, was introduced by Councilman Earl, seconded by Councilman Uhteg:

**RESOLUTION #55 – 2011
APPROVAL OF PAYMENT FOR RECREATION FIELD TRIP TO FANTASY ISLAND
(Amended resolution)**

BE IT RESOLVED, the Town Board of the Town of Sardinia hereby approves payment in the amount of \$1,345.00 to Fantasy Island for admission tickets, with \$500.00 to be reimbursed by the attendees, and \$340.00 for the cost of the bus, provided by Holland Central School, for the Summer Recreation field trip on August 3, 2011.

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

Councilman Earl stated that the Tiny Tots Recreation program was discussed at the Youth Board meeting. She stated that there was not a very good turnout this past year, and for the upcoming year, there are 6 residents and 9 non-residents signed up so far. She stated that they would like at least 10 resident children for the program, and she would like to run an ad, for

residents only, to see what kind of a response is received. On a motion by Earl, seconded by Montgomery, Councilman Earl was authorized to run an ad for resident sign-ups for the Tiny Tots Recreation program. Carried, 4 ayes, 1 absent, 0 noes. Councilman Earl stated that the Board has received notice from the Town Justices that they would like to apply for a JCAP award in the amount of \$30,000.00, and would like to use the funding to reconfigure the gym for use as a courtroom/Board meeting room. Councilman Uhteg stated he is not in favor of anyone touching the gym, and it is used by too many people from the community, as well as for recreation programs. Supervisor Hannon stated her problem is the expense, feeling that it will cost much more than \$30,000.00. Councilman Earl stated that the deadline for grant application submission is September 15th. The Town Clerk suggested that the Justices look at the 3rd floor classrooms as a possible compromise. Concerning the Summer Recreation Earth Spirit week, the program is open for the entire family from 10 AM until 2 PM and will begin on Monday July 26th, at the Park, with live animals and wildlife ecology; on Tuesday, July 27th, the program will be at the County Forestry; on Wednesday July 28th, it will be at Waste Management's Chaffee Preserve on Hand Rd.; and on Friday, July 29th, there will be aquatic studies at the Chaffee Preserve. Councilman Earl stated that so far, the pool revenues for the year total \$5,422.00, with over 600 swimmers to date. There was a broken vacuum cleaner head, which has been repaired. She stated that the Town-wide Garage sales begin tomorrow, with the maps available on the front stairs; a letter received from Fire Company President Danny Heineman will be discussed later in the agenda; the next Concert in the Park is July 19th, with 23 Skidoo, sponsored by Community Bank; and concerning the chain link fence along the side of this building, the neighbor has been contacted and would like the fence repaired, since it is falling down. The Highway Superintendent stated he would look into it and perhaps it can be included in next year's budget.

Highway Superintendent Hopkins reported that the pool has been busy and last Sunday alone, there were 198 swimmers. He stated that the bearings on the baby pool pump went out and he and his crew repaired it and put it back in the pool the next day, and the cost was \$107.00. He stated that there seems to be a good crew at the pool this year and are keeping good track of the chemicals. As for the road work, he stated that most of the roads are now patched and they are beginning skid paving. The Highway Superintendent stated that yesterday while paving on West Schutt Rd., the hydrostatic drive went out on the 1987 roller. He stated it is the 4th time it has been taken for repairs, and he is afraid to find out what the cost will be, but it sounds expensive. In the mean time, he stated he is trying to borrow one from a neighboring town, since the plan is to chip seal roads the week after next. He stated he has checked into rental costs in the event he can't borrow one, and those costs are \$480.00 a week, up to \$2385.00 per month, depending on the rental company. Mr. Hopkins stated that the new tractor is in but the tires will not be in until tomorrow, so they will be picking it up on Monday. The Highway Superintendent then stated there had been an incident on Schutt Rd. where a vehicle had gone down the road with a broken window, and glass was left all over the road. He was called, but before he could get there, 5 or 6 residents were out with shovels and brooms cleaning up the glass, and Mr. Hopkins thanked them for their work.

Attorney for the Town Linda Joseph reported that this month, she has been working on fiscal matters; finalizing the computer contract; working on the SEQR issues for the Zoning amendments law and Notice of Defects Law, and it was determined that no declaration was needed for the Notice of Defects Law; worked on the Waste management Special Use Permit modification issues; gave some legal advice to ZBA Chairman Ron Phillips concerning a Variance issue, which was determined to be grandfathered situation; followed up on the proposed Eagle Scout project with regard to the cemetery.

There were no Public Comments, with William Barrier stating he had given his comments at the Public Hearing.

On a motion by Earl, seconded by Montgomery, Abstract #7 of 2011, including vouchers #409 through 512, totaling \$78,922.29, with the General Fund portion of that amount totaling \$22,431.84; the Highway Fund portion totaling \$54,182.14; the Streetlighting District Fund totaling \$800.62; and the Fire District Fund totaling \$1,507.69; was approved for payment. Supervisor Hannon noted that the payment for the new tractor is included in that Highway Fund total. Carried, 4 ayes, 1 absent, 0 noes.

Supervisor Hannon stated are a couple of Budget transfers necessary within the General Fund Budget, and the following resolution, to be known as Resolution #56 of 2011 was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #56 – 2011
APPROVAL OF FUND TRANSFER**

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

<u>TRANSFER FROM</u>	<u>AMOUNT</u>	<u>TRANSFER TO</u>
A1440.400 Engineering	\$565.55	A1220.400 Supvr/Contractual
A1620.220	\$311.16	A1620.490 Oper of Bldg/Other

NOW, THEREFORE BE IT RESOLVED, the Sardinia Town Board approves the above mentioned transfer of funds for 2011.

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

In Unfinished Business:

The Supervisor stated that, concerning the Town conducting a dog census, Councilman Montgomery and Duane DeGolier, Dog Control Officer, have finalized a plan. The following resolution, to be known as Resolution #57 of 2011, was then moved for adoption by Montgomery, seconded by Earl:

**RESOLUTION # 57 - 2011
APPROVAL OF DOG CENSUS EXPENDITURES**

WHEREAS, the Sardinia Town Board recognizes the need to update records from time to time, and

WHEREAS, a complete dog census has not been done for several years, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board has approved the expenditures for the dog census to be reimbursed in the amount of \$2.00 per household visited, plus mileage.

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

Supervisor Hannon stated that the next resolution is for the adoption of the new Notice of Defects Law, which was the subject of one of the Public Hearings earlier tonight. The following resolution, to be known as Resolution #58 of 2011, was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #58 - 2011
APPROVAL OF NOTICE OF DEFECT LAW
(Chapter 79 of the Code of the Town of Sardinia)
(PUBLIC HEARING HELD JULY 14, 2011)**

WHEREAS, NYMIR has recommended to the Town Board certain amendments to the Town's Notice of Defect Law, Chapter 79 of the Code of the Town of Sardinia and the Town Attorney has drafted such proposed amendments for review by the Town Board; and

WHEREAS, prior to submitting the proposed amendments for public review and comment, the Town Board reviewed the proposed and amendments and has made no changes to the proposed language;

WHEREAS, after publication of a Notice of Public Hearing was made in accordance with law, the Town conducted a Public Hearing on July 14, 2011 at 6:00 PM to consider the proposed amendments to the Notice of Defect Law, Chapter 79 of the Code of the Town of Sardinia; and

WHEREAS, the Town Board has considered the proposed amendments as well as all public comments and has given the proposed amendments due consideration.

NOW THEREFORE BE IT RESOLVED THAT the proposed amendments to the Notice of Defect Law, Chapter 79 of the Code of the Town of Sardinia which were the subject of the Public Hearing are hereby adopted without any changes or modifications.

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

Supervisor Hannon stated that the next resolution is the computer agreement, requested by the Town's auditors. She stated the Town has been using Software Inventors and she is familiar with them. She stated that at the beginning of next year, she will be asking for service quotes from different companies in order to compare costs. The Supervisor stated that what she likes about this contract is that it is not binding for a period of time. The following resolution, to be known as Resolution #59 of 2011, was then moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #59 - 2011
APPROVAL OF COMPUTER SUPPORT AGREEMENT**

WHEREAS, the Sardinia Town Board has reviewed the Computer Support Agreement, and

WHEREAS, the Town of Sardinia has utilized the services of Software Inventors Ltd, and

WHEREAS, in order to be compliant with New York State, the Town is under obligation to have this agreement on file, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the computer support agreement, and hereby authorizes the Supervisor to execute said agreement and enter into this agreement with Software Inventors, Ltd.

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

The Supervisor stated that the Town has received a letter from Fire Company President Danny Heineman, concerning the Springville Control Services. Councilman Earl explained that this has been an ongoing discussion since spring and concerns the fact that in the Springville Control Services Joint Agreement with the Village of Springville, there is no mention of the Fire Company's messaging, and that is because the Town of Sardinia pays the Fire Company's share by contract with the Chaffee-Sardinia Fire Company, not by contract with the Control Center. Ms. Earl stated that Mr. Heineman had asked the Town for a resolution, but she stated because it is handled by way of the Firemen's contract, no action is needed.

The Board then discussed the application by Waste Management for a Special Use Permit for its Liquid Solidification process. Attorney Joseph explained the process and some of the issues. She gave an overview of permitting process, and stated she doesn't feel that the Town needs to re-open the Host Municipality Agreement, but rather it can be handled with a Memorandum of Understanding (MOU). The Attorney stated that the Special Use Permit will be acted on next month, rather than this month, so that the Board has time to digest some of what they have learned about the solidification process. She then spoke to some of the comments that had been made, including the time and expense of the permitting process, stating that the Board has been very diligent in getting the citizens a chance to go and see the process, and that she had attended one meeting for just a few hours to learn about the DEC's 360 Permit amendment process. She stated that Supervisor

Hannon and Councilman Montgomery have brought forth questions to Waste Management about the extra waste that would be going in the landfill and no extra fee paid to the Town, such as the containers and the materials to absorb the liquid. Attorney Joseph also spoke to the safety issues and stated that the liquids to be brought in will have to be approved as non-hazardous by the DEC and there will be documentation of everything. She also stated that as to the question of water, water migration is monitored all the time by the DEC and the Town does not do any monitoring or testing of the water at that site. She stated these things are covered under the Landfill's 360 Permit. As to the question of guaranteeing the water, she stated that was a condition put into Gernatt's permit to mine by the DEC and then adopted in the variance by the Town's ZBA, but has not been made a condition in Waste Management's State 360 permit. Attorney Joseph stated she will be working on the MOU and permit conditions, to be on file for next month's decision by the Board. Supervisor Hannon stated that, in the MOU, she would like to have the money issues addressed, including that any materials, such as autofluff and sawdust, or whatever is going to be used to solidify the liquid, be considered as full waste, rather than as cover material, for payment to the Town as a tonnage rate. Councilman Earl would like documentation and material data sheets on file for all liquids brought in. Supervisor Hannon stated she wants to make compliance an issue on everything the Town allows Waste Management to do, and stated she has asked for and not yet received, a report on the Borrow area. She stated she would be contacting Mr. Lewis for that report. There were no other comments from Board members.

Under New Business:

Supervisor Hannon stated that the next resolution is to increase the mileage reimbursement rate. She stated that Councilman Miller had asked that this be done, and it had been decided by the Board to wait until the IRS adjusted the rate, which they now have. The following resolution, to be known as Resolution #60 of 2011, was moved for adoption by Montgomery, seconded by Earl:

**RESOLUTION #60 - 2011
APPROVAL OF MILEAGE REIMBURSEMENT CHANGE**

WHEREAS, effective July 1, 2011, the Internal Revenue Service has made the mileage rate 55.5 cents per mile;
and

WHEREAS, the Town Board has previously stated that an increase in the mileage would occur after the IRS has approved one; and

THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the mileage rate increase to 55.5 cents per mile, effective July 1, 2011.

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

The Supervisor stated that the next resolution is to approve a trip to Rochester by the Senior Citizens, as per their budget for 2011. The following resolution, to be known as Resolution #61 of 2011 was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #61 - 2011
APPROVAL OF SENIOR CITIZENS TRIP**

WHEREAS, the Sardinia Seniors have requested an approval of a trip to Rochester, New York on Thursday, September 22, 2011 at a cost not to exceed \$3500, and

WHEREAS, the Sardinia Seniors have a budget line to cover this expense, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the Senior trip with expense not to exceed \$3500.

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

Supervisor Hannon stated that a request has been received from the Chaffee-Sardinia Kiwanis for use of a Park shelter on August 8th at 7 PM for their "Pie This Guy" event to benefit Children's Hospital, and a Certificate of Insurance was included with the letter. On a motion by Earl, seconded by Montgomery, the Kiwanis was given permission to use the Park. Carried, 4 ayes, 1 absent, 0 noes.

Councilman Earl stated she needed to change the amount of the Town's payment to Fantasy Island in her original resolution, where she stated that the Town would pay \$745.00. She stated that the check would have to be in the full amount of \$1,345.00, and then \$500.00 would be reimbursed by those attending. On a motion by Earl, seconded by Montgomery, Resolution #55 of 2011 will be amended in these minutes. Carried, 4 ayes, 1 absent, 0 noes.

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

Respectfully Submitted,

Town Clerk

