

4-12-2012 – REGULAR BOARD MEETING

Present:

Councilman Cheryl L. Earl
Councilman Daniel L. Miller
Councilman David L. Montgomery
Councilman Douglas J. Morrell
Supervisor Mary L. Hannon

Also Present:

Attorney for the Town Linda Joseph
Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
15 guests

The Sardinia Town Board held its Regular Town Board meeting for April on April 12, 2012 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 March 8, 2012 Regular Board Meeting. On a motion by Earl, seconded by Montgomery, those minutes were approved as written. Carried, 5 ayes, 0 noes.

Departmental Reports included:

Councilman Morrell stated that several of the streetlight outages have now been repaired, with the exception of the one on Deerfield Dr. He stated that he has reported it twice, and NYSEG has stated it will be at least 4 weeks, or until they are out this way again. He noted that Arcade Electric is quicker to respond, probably due to the fact that they are much closer. Mr. Morrell also reported that concerning the Savage Rd. Dry Creek Bridge project, the County stated that if they are able to obtain the funds, the project will be done in 2013, after the Fire Company's annual Carnival. They also informed that it will take approximately 4 weeks to complete. He stated that when asked about emergency traffic routing, they had not thought about farm vehicles that frequently use that route. Councilman Morr4ell stated he has received three quotes for portable toilets, as follows;

Blue Moon Portable Toilets, West Valley, NY	\$70.00 per unit per month
Royal Flush, Java Center, NY	\$75.00 per unit per month
Zuech's Environmental Services, Franklinville, NY	\$70.00 per unit per month

Mr. Morrell stated that there is also a \$15.00 delivery charge with Royal Flush, and all include weekly servicing of the units. He stated he felt he got the quickest and best response from Zuech's, so therefore, is recommending them to the Board. He then made a motion, seconded by- to go with Zuech's Environmental Services for two portable toilets for the summer season, seconded by Earl, and carried, 5 ayes, 0 noes.

Councilman Montgomery reported that 12 water tests were conducted March 27th and 1 is pending, but they will take into the Health Dept. themselves. He stated that if he gets 12 or so more sign-ups for testing, he will conduct another round. Mr. Montgomery stated he has also obtained three bids for door replacements for Handicapped accessibility in the Town Hall/Community Center. He stated these would include a handicapped push button, repairing the closers, and replacing the gym front double doors to remove the center post. He then read the quotes, as follows:

Door Specialties	\$9,513.00
National Overhead Door	\$9,847.00
Hamburg Overhead Door	\$13,390.00

Councilman Montgomery stated he would recommend going with Door Specialties, at the lowest cost. Supervisor Hannon asked Board members if they felt that the doors should be done one at a time or both doors at the same time. All Board members felt they should be done both at the same time. On a motion by Montgomery, seconded by Morrell, the Board voted to do both doors at the same time and to go with Door Specialties, at a cost of \$9,513.00. Carried, 5 ayes, 0 noes. Mr. Montgomery also reported that there will be a Disaster Coordinator's meeting in Cheektowaga on May 4th concerning legal issues, and stated these are things that Board members should know, so if anyone is interested in attending with him, let him know and he will get them registered.

Councilman Earl reported that the Townwide Garage Sales have been scheduled for July 13, 14, and 15, and registration will be \$10.00. She stated anyone who wants to register to have a sale and get on the map should call the Town Clerk's office. She stated that the Youth Board had discussed extending the Zumba classes, which were a big hit, but the availability of the instructor, as well as the cost, has changed, so they are looking into it for the fall. Concerning the Springville Control Center, she stated that the new recorder is now up & running and training is now being conducted. Councilman Earl stated she would like to turn the job of posting things on the Town's website over to the Town Clerk's office, stating she does not always have access to e-mail during the business day. After discussion, the Town Clerk stated her office would do it, but it would have to be kept in mind that her office closes at 4 PM, and is closed during the day on Tuesdays, and everyone will have to get the information to her in a timely manner, stating that she has not always received the information until the last minute, if at all before the Board meeting. Councilman Earl stated that the Recreation and Pool information will be ready for the next meeting.

Councilman Miller stated he had recently attended a Stormwater Coalition Conference and trade show, and the information obtained there will be incorporated into the Erie county Water Quality Committee. He stated he has also received 3 Engineering quotes for the design of the septic system here at the Town Hall/Community Center, and read the quotes as follows:

Metzger Civil Engineering	\$2,500.00
E & M Engineers	\$6,250.00
R.J.R. Engineering	\$9,800.00

Councilman Miller stated that the E & M Engineering quote is more precise as to what they are offering, and R.J.R. Engineering is the highest bid, so he is recommending E & M Engineers. The Supervisor asked Mr. Miller if he was comfortable with the bids, and stated that baseball season is done by July 1st. He stated he was, and E & M has also stated they have a 30 day completion date. On a motion by Miller, seconded by Montgomery, E & M Engineers will be used for designing the septic system at the Town Hall/Community Center. Carried, 5 ayes, 0 noes. Councilman Miller reported that there will be a Southtowns Planning & Development meeting on April 24th and the discussion will be on land banking; The Sardinia Historical Society will be holding an Open House on April 19th and there will be a speaker; and the Made in America Store in Elma will be holding its 2nd Birthday celebration on April 28.

Highway Superintendent Donald Hopkins reported that last month there was a problem with the generator and he had Milton Cat out for repairs. They will be out this month for scheduled maintenance on the equipment. He stated that the ball diamonds have been rolled and the ball teams have thanked them very much. Mr. Hopkins stated that the League did a great job on the dugouts at Manion Park. He thanked the Town of Concord for the use of their roller for two days. Mr. Hopkins stated that Spring Trash Pickup will begin Monday, April 23rd, and stated that the Town Clerk has run the ad for this weekend. He stated that the Town will not pick up any hazardous waste or electronic waste, but Waste Management's hazardous and electronic waste drop off day is April 28th. The Highway Superintendent also informed that Rt. 16 is getting repaved. He then stated it was time to open the bids for the new asphalt roller, which he stated were for both the roller and the trailer, and were as follows:

Anderson Equipment, Tonawanda, NY	\$40,101.00	
Monroe Tractor, Batavia, NY	\$42,975.00	
Baschmann Services, Elma, NY	\$37,473.00	(14 ft. trailer)
Baschmann Services, Elma, NY	\$37,198.00	(12 ft. trailer)
George & Swede, Pavilion, NY	\$41,869.00	
Five Star Equipment, Orchard Park, NY	\$39,500.00	

Mr. Hopkins stated he would review the bids to make sure everything met specs and was in order.

Attorney for the Town Linda Joseph stated that the items she had worked on this month included advice to the ZBA on the definition of a structure concerning a variance application on setbacks for a swimming pool; prepared the SEQR review and findings for the proposed sign law, which is on the agenda for tonight; monitoring the Schweikert appeal with regards to the Chaffee Water Works; she also reviewed and gave comments on the LOSAP actuarial report from a legal point of view; has also had some contact with Waste Management concerning an assessment issue, focusing on an exemption they seem to be pursuing, and she will contact the Assessor, and report on that next month. She stated that the major thing she has been working on is the abandonment of property, which she will hold off on until later in the agenda. The Supervisor asked the Attorney to touch on the LOSAP issue, concerning the cost factor. Ms. Joseph stated that it has been found that the Town will not have to contribute to the plan this year, there are funds available which cannot be refunded to the Town, but can be applied to offset future expenses incurred, in the amount of \$30,000.00, which is good news.

Under Public Comment:

John Schiener of Sardinia stated that back in February, the Board passed a resolution to comply with the new Freedom of Information requirements to include supporting documents for items to be discussed at the upcoming Board meetings, along with the agendas of those meetings. He stated that there were items not available on the website, and he cited items concerning the Dry Creek Bridge closure and the Zoning amendment discussion. He asked when they would begin complying with those rules they had adopted, and asked that they be discussed more in-depth when they come up on the agenda. Mr. Schiener also noticed on the agenda that a new bookkeeper was to be appointed, and asked if the former bookkeeper had resigned.

Peter Sorgi, attorney for Gernatt Asphalt Products, Inc. stated that the company has submitted an application for Zoning amendments, and stated that the Town Board's only obligation at this time is to refer the matter to the Planning Board. He stated that Gernatt could then sit down and work with the Planning Board on the matter over the next several months. He asked that the Board refer the application to the Planning Board.

The Supervisor stated that there are two transfers that need to be made within the General Fund budget. On a motion by Earl, seconded by Montgomery, the following resolution, to be known as Resolution #26 of 2012 was moved for adoption, as follows:

**RESOLUTION #26 - 2012
APPROVAL OF FUND TRANSFER**

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

TRANSFER FROM	AMOUNT	TRANSFER TO
A1220.480 Sup Acct	\$3632.50	A1320.400 Auditor
A1990.400 Conting.	\$2805.00	A1320.400 Auditor

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the above mentioned transfer of funds for 2012.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Morrell, aye, Hannon, aye. So resolved.

Warrant #4 of 2012, including vouchers #187 through #279, totaling \$46,700.03, of which \$33,468.89 was General Fund expenditure, \$10,416.50 was Highway Fund expenditure, \$1,820.36 was Fire District expenditure, and \$994.28 was Streetlighting, was approved for payment on a motion by Montgomery, seconded by Earl, and carried, 5 ayes, 0 noes.

Under Unfinished Business, Supervisor Hannon stated that the next resolution is from audits performed that have now been reviewed by the Board, and she asked for approval of those audits. The following resolution, to be known as Resolution #27 of 2012, was then moved for adoption by Earl, seconded by Miller:

**RESOLUTION #27 - 2012
APPROVAL OF AUDIT FOR SUPERVISOR'S OFFICE for 2011
AND JUSTICE COURT for 2011**

WHEREAS, the Sardinia Town Board has reviewed above noted audits as presented by Drescher & Malecki, noting any procedural adjustments that are necessary for compliance with New York State, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board accepts the audits performed by Drescher & Malecki for the Town of Sardinia Supervisor's Office for 2011, Justice Audit for 2011.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Morrell, aye, Hannon, aye. So resolved.

The Supervisor stated that the next resolution is to approve the SEQR review of the proposed Local Law to amend the sign portion of the Zoning. She stated that there had been a Public Hearing earlier this evening, but there were no further comments on the law. On a motion by Montgomery, seconded by Morrell, the following resolution, to be known as Resolution #28 of 2012, was moved for adoption:

**RESOLUTION # 28 - 2012
SEQRA REVIEW OF PROPOSED AMENDMENTS TO THE TOWN OF SARDINIA'S SIGN ORDINANCE**

WHEREAS, the Town is considering certain amendments to its Sign Ordinance

WHEREAS, amendments to the Town's Sign Ordinance is an Unlisted Action for the purposes of SEQRA; and

WHEREAS, no other agency has approval authority and the Town has referred the proposed changes to the Erie County Department of Planning as required under General Municipal Law section 239 m, and a draft Short Form Environmental Assessment Form was prepared by the Town Planning Board; and

WHEREAS, the Board having thoroughly reviewed the Short Form Environmental Assessment Form and considered each and every impact in accordance with SEQRA;

NOW, upon consideration of the above and all of the previous documents, discussion and debate,

BE IT RESOLVED that the proposed will not have a significant adverse impact on the environment,

BE IT FURTHER RESOLVED that the Town Boards adopt a Negative Declaration attached hereto.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Morrell, aye, Hannon, aye. So resolved.

The Supervisor stated that the next resolution is to adopt Local Law #1 of 2012, the Zoning amendment concerning the sign ordinance. She stated that it had been referred to the Planning Board and approved by them, and asked now for a resolution to adopt. The following resolution, to be known as Resolution #29 of 2012, was then moved for adoption on a motion by Montgomery, seconded by Morrell:

**RESOLUTION #29 - 2012
TOWN OF SARDINIA LOCAL LAW #1 of 2012
AMENDMENT TO THE TOWN'S ZONING ORDINANCE**

WHEREAS, the Planning Board has recommended to the Town Board certain amendments to the Town's Zoning Ordinance **Section 115-22 C** with respect to signage;

WHEREAS, prior to submitting the proposed amendments for public review and comment, the Town Board has reviewed the Planning Board's recommended amendments and has accepted the proposed amendments as set forth in the proposed amendment circulated to the Board Members with the following changes:

**TOWN OF SARDINIA
LOCAL LAW #1 - 2012
AMENDMENT TO THE TOWN'S ZONING ORDINANCE**

Be It Hereby Resolved that Article Seven, Sign Regulations of the Zoning Ordinance of the Town of Sardinia, adopted on the 12th day of October 2005, be, and the same hereby is amended by adding the following provisions:

1. Section 115-22 C Sign Definitions is hereby amended as follows:

AGRICULTURAL OR HORTICULTURAL SELLING PURPOSES: Any sign, wording, logo, or other representation that advertises, or calls attention to a business, which sells and/or promotes seasonal agricultural or horticultural products and/or services including but not limited to the sale of fruits, vegetables, plants, trees and flowers, and associated goods and services.

2. Section 115-22-3 is hereby amended to add a new subsection F as follows:
- 3.

F. Off-Site Temporary/Portable Signs for Agricultural or Horticultural Selling Purposes

The use of up to (2) two portable/temporary signs shall be permitted off-site for agricultural or horticultural selling purposes under the following conditions:

1. A permit for up to two signs shall be obtained from the Code Enforcement Officer which shall permit a temporary sign display for agricultural or horticultural selling purposes for a maximum of (9) nine months.
2. Such (9) nine month period shall run from the date that the permit is issued.
3. The maximum size of any sign shall be three feet wide by 2 feet high.
4. A permit shall only be available to Agricultural or Horticultural businesses located within the Town of Sardinia.
5. The application shall identify the location(s) where the sign(s) will be placed and shall include written authorization signed by the property owner authorizing the placement of the sign on his and/or her property.
6. All signs must be placed at least 50 feet from any intersecting roads.
7. All signs shall be ground mounted and shall be a maximum of three feet high, when measured from the ground level.
8. The size of the sign shall not exceed 3 feet wide by 2 feet high and a permit stick shall be affixed to back of each sign. All other provisions of this Chapter with respect to design of signs shall apply to any sign.
9. The applicant shall remit to the Code Enforcement Officer a fee of \$5.00 per sign.

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the amendments to the Town's Zoning Ordinance **Section 115-22 C**, with respect to signage.

Upon roll call vote: Earl, aye, Miller, aye, Montgomery, Aye, Morrell, aye, Hannon, aye. So Resolved.

Supervisor Hannon stated that the next resolution is to approve a Fund Balance policy to comply with the State Law as per the Town's auditor's review. She stated it would protect the Town's interests. Resolution #30 of 2012 was moved for adoption on a motion by Miller, seconded by Earl:

**RESOLUTION #30 - 2012
APPROVAL OF GASB 54 FUNDBALANCE POLICY**

WHEREAS, the Town of Sardinia (the "Town") has enacted the following policy in an effort to ensure financial security through the maintenance of a healthy reserve fund that guides the creation, maintenance, and use of resources for financial stabilization purposes.

WHEREAS, the Town's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenditures. The Town also seeks to maintain the highest possible credit ratings which are dependent, in part, on the Town's maintenance of a healthy fund balance.

WHEREAS, Reserve funds (which essentially are a legally authorized savings account for particular specific purposes) are an important component in the Town's financial planning for specific expenses, future projects, acquisitions and other lawful purposes. To this end the Town may establish and maintain reserve funds in accordance with New York State Laws. The Town will also consider rules and/or opinions issued by the New York State Comptroller when they are not in conflict with law.

WHEREAS, Town reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The Town may engage independent experts and professionals, including but not limited to auditors, accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the Town Board may require.

WHEREAS, Government Fund Type Assignment (GASB 54) The Town shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. GASB Statement Number 54 established the following classifications depicting how specific amounts can be spent:

- Nonspendable** fund balance consists of amounts that are not in a spendable form in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, and financial assets held for resale.
- Restricted** fund balance consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by grantors, bondholders or laws and regulations of higher levels of governments; or through constitutional provisions or enabling legislation.
- Committed** fund balance consists of amounts constrained to specific purposes by a government itself using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint.
- Assigned** fund balance consists of amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority.
- Unassigned** fund balance consists of amounts that are available for any purpose; these amounts are reported only in the General Fund.

WHEREAS, the fund balance of the Town's General Fund and Highway Fund has been accumulated to

provide stability and flexibility to respond to unexpected adversity and/or opportunities.

WHEREAS, The Board's objective is to maintain unassigned fund balances of the various funds at levels sufficient to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures; to ensure stable tax rates and user fees; and, to protect the Town's creditworthiness.

WHEREAS, The Town Board will set aside certain amounts as committed fund balance. A committed fund balance represents fund balances that have been approved by Town Board resolution prior to the end of the year. The amount of the commitment may be determined after year end but prior to the release of the financial statements. Should the amount of commitment not be known at the time of the resolution, the Town Supervisor shall determine the amounts to be committed and report such amount to the Town Board.

WHEREAS, The Town Board delegates to the Town Supervisor the authority to determine the proper amounts to be assigned for purposes as are deemed necessary. Assigned fund balances represent amounts intended to be used for a specific purpose. These assignments would provide the liquidity to respond to contingent liabilities, provide for capital asset replacements and capital projects, and set aside amounts to reduce the ensuing year's tax levy which was previously referred to as appropriated fund balance.

WHEREAS, Effective as of the year ended December 31, 2011; unassigned fund balance shall be any remaining amounts.

The Town will spend, as allowed and available, the most restricted dollars before less restricted in the following order:

- a) Nonspendable (if funds become spendable)
- b) Restricted
- c) Committed
- d) Assigned
- e) Unassigned

WHEREAS, the Town will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the above policy and agrees that his policy may be updated as deemed necessary per the Town Board.

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

The Supervisor stated that the next resolution is for approval of appointments for open positions. She stated that her Bookkeeper is no longer working for the Town, and the new Bookkeeper is Beverly Gambino, who has been a great help, and she appreciates her taking on the job. She stated that the Assistant Code Enforcement position is still open but things are working much more smoothly since Carla Fuller has taken the position as Clerk/Typist for the Building Dept., and they will be leaving the Assistant Code Enforcement position open for a little while. Supervisor Hannon stated that the other two being appointed in this resolution are Danielle Scott for the Pool Director, and Mark Stevens as laborer for the Parks. The following resolution, to be known as Resolution #31 of 2012, was then moved for adoption by Earl, seconded by Miller:

**RESOLUTION #31 - 2012
APPROVAL OF OPEN POSITIONS**

WHEREAS, the following individuals are approved for their respective open positions and rates indicated:

Beverly Gambino - Bookkeeper/ Secretary	\$15.84 per hour
Daniell Scott - Pool Director/Head Lifeguard PT	\$12.87 per hour
Mark Stevens - Laborer/PT	\$15.30 per hour

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the above noted individuals for the positions listed at the rate noted.

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

Supervisor Hannon stated that the next resolution is for approval of the rates for this summer's pool passes, and asked Councilman Earl to outline. She stated that the Youth Board has recommended that family pool passes remain the same and non-resident swim lessons & recreation will increase \$15.00 per family. The Supervisor stated she felt these rates are still quite reasonable. The following resolution, to be known as Resolution #32 of 2012, was then moved for adoption on a motion by Earl, seconded by Montgomery, as follows:

**RESOLUTION #32 - 2012
APPROVAL OF NEW RATES FOR POOL PASSES
FOR NON RESIDENTS**

WHEREAS, the Sardinia Youth Board has met and reviewed past year's rates for pool passes and recreation fees and has hereby requested an increase to the non-resident pool pass and recreation fee for the 2012 season; and

WHEREAS, the rate of the non-resident pool pass will increase by \$15 for a total of \$75.00 per family and the recreation pass for non-resident will be \$75 for first child and \$25 each for additional children, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the change of rates for the non-resident pool pass to \$75 per family and non-resident recreation pass to \$75 for first child and \$25 each for additional children for the 2012 season.

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

The Supervisor stated that several items came in at the last minute, and were discussed as follows:

The Supervisor stated that a letter has been received from the Girl Scouts of Western NY requesting use of the Town Hall/Community Center. Councilman Earl explained that they currently use the Pioneer School building, and will no longer be allowed to meet there. She stated they would like to use possibly the cafeteria, possibly the gym, on the 1st and 3rd Thursday from 2:30 PM until 5 PM for their meetings during the 2012-2013 school year for approximately 10 to 15 Scouts. Ms. Earl stated that they have a Certificate of Insurance on file with the Town, and neither the Youth Board nor she has a problem with it, stating that she likes to see the building being used. Possible conflicts were briefly discussed, and it was felt that there would be none. Therefore, on a motion by Earl, seconded by Morrell, the use of the building for Girl Scout meetings was approved as requested. Carried, 5 ayes, 0 noes.

Concerning an application from Gernatt Asphalt Products for rezoning, the Supervisor stated that Councilman Earl had sent the application to the County for inclusion on the Town's website, but it has not yet been reviewed by Board members enough for them to have opinions, and stated she feels that the place for it is at the Planning Board level for their review. On a motion by Miller, seconded by Earl, the rezoning request from Gernatt Asphalt was referred to the Planning Board. Carried, 5 ayes, 0 noes.

Concerning abandoned properties within the Town, the Supervisor asked Councilman Montgomery to explain how this issue got started. He stated that he had received an e-mail from a Rob, on abandoned property on Schutt Rd. & Mill St. He stated there is also an abandoned house on Rt. 16. He stated that he and Councilman Miller have been looking into the matter and have spoken to County Legislator John Mills, who would like to try and talk the County into allowing the Town to demolish the house at Mill and Schutt Rds. and then charge the County, and let the County pay for it. He stated that as far as the one on Rt. 16 next to Tri-County Supply, Mr. Mills is trying to get the County to have a tax auction. Mr. Montgomery stated that Mr. Mills will talk to Joe Maciejewski of County Real Property tax to try and get something going. Mr. Montgomery stated that Legislator Mills would get back to him in a week or so. Attorney for the Town Linda Joseph stated that the Town received a really nice report letter from the Code Enforcement Officer, which Carla Fuller of the Building Dept. then explained. She stated that the first three properties noted by the Town have been working with the CEO, and the last two are still in the names of the deceased owners. Ms. Fuller stated that the tax liens on those properties are now approaching the amount of the assessments, and this creates a problem. She stated that they have been in touch with the County tax office, who has told them that the County is only interested in auctioning off those properties that make the County the most money. Ms. Fuller stated that they would like the Towns to work through these problems themselves, and gave them some suggestions, which included jumping on the assessment earlier, in order to lower it sooner; establishing a policy as to how to handle these properties; and starting a demolition fund in the event that the Town needs to demo the structure. She stated that the problem is that the Code Enforcement Dept. can only go just so far, and cannot get in those buildings because he does not have the authority as a Peace Officer, nor the permission of the owner. Attorney Joseph stated that there are actually 5 properties of concern, 1 that has consented to demolition the building, the other 2 are working with the CEO, and the 2 difficult ones are the ones with deceased owners. She stated that the heirs of the Olean Rd. property are asking \$80,000.00 for the property. She stated that there are tax liens on these, and the tax lien on the Olean Rd. property is \$11,890.00, and the Schutt Rd. property has a lien of \$14,193.00. She suggested that Mr. Montgomery contact Legislator Mills to see if the County would waive the tax liens, stating that they aren't interested in foreclosing on it, so why not waive it to help the Town deal with these properties. She stated she feels that the first thing that the Town should do is to position itself to actually be able to issue demolition orders and to be able to get warrants, if necessary to go in to look at the properties. Attorney Joseph stated that she doesn't feel the Town will need warrants for the two properties in question, since pictures of the outside of the structures look so bad. She stated that Section 130 of the NYS Town Law allows for amendments to the Zoning Ordinance to empower the Code Enforcement Officer to issue demolition orders. She stated it would take some time to adopt such amendment. She stated there is an alternate procedure that the Town could be use, which would entail her going to Supreme Court to institute a special procedure in order to issue a demolition order, which would incur more legal expenses for the Town. Attorney Joseph recommended that the Town go with the Zoning amendment. She also feels that addressing the assessment is a great idea. Ms. Joseph stated there is also an option wherein the Town could institute an action to transfer title of the property to the Town. She stated that the downside to that is that the Town owns the property and could not recover the cost of the demolition, and the Town would then have to try and sell the property afterward to try and recoup costs. She suggested that perhaps the Town's Environmental fund could be used for the demolitions, perhaps the County would assume some of the costs, or the Town could simply pay for it out of Town funds. She also suggested that the Fire Company could perhaps do a controlled burn on the property, which could provide an opportunity for training and at the same time, save on demolition costs. She reminded that asbestos removal costs could be incurred either way. She stated there are actually quite a few options. Section 78B of the General Municipal Law provides for the Town to commence a special proceeding to recover demolition costs, but deep pockets are needed to do that because the Town would not want to incur those legal costs unless it was assured of being able to collect. Supervisor Hannon stated she felt that the direction for the Town to go would be to amend the Zoning Ordinance, giving the CEO the authority to issue the orders of demolition. Councilman Miller asked if the CEO had deemed them to be unsafe structures, and Carla Fuller stated he has posted them on the outside as unsafe structures, but has no legal authority to enter the buildings. Board members were all in agreement, and on a motion by Montgomery, seconded by Miller, Attorney for the Town Linda Joseph was directed to start the Amendment of the Zoning Ordinance process and to start drafting such amendment. Carried, 5 ayes, 0 noes. The Supervisor asked Councilmen Montgomery and Miller to work with the Attorney on the amendments and to contact Legislator John Mills to try and get the County to waive the tax liens or pay for the demolition costs.

Supervisor Hannon stated that there is a packet of informational materials on the Savage Rd. /Dry Creek Bridge

project in the Clerk's office for review by anyone interested and comment sheets.

A letter has been received from Meghan Keefe requesting use of the community pool for Zumba classes this summer. The Supervisor felt it should be referred to the Youth Board for recommendation. On a motion by Earl, seconded by Montgomery, the matter was referred to the Youth Board. Carried, 5 ayes, 0 noes.

Highway Superintendent Donald Hopkins stated he has finished his review of the roller and trailer bids, and that all bids meet the specs, and all other paperwork is in order. He informed that the low bid is Baschmann Services, for a Terex 400 roller, with 14 foot trailer, and with the 3 year extended warranty, the total cost is \$38,783.00. On a motion by Montgomery, seconded by Morrell, the Board awarded the bid for the equipment to Baschmann Services of Elma, NY in the amount of \$38,783.00. Carried, 5 ayes, 0 noes.

There being no further business to come before the Board, on a motion by Earl, seconded by Morrell, , the meeting was adjourned at 7:38 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk