

## 9-13-2012 – REGULAR BOARD MEETING

Present:

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

Absent:

Councilman Cheryl L. Earl

Also Present:

Highway Superintendent Donald Hopkins  
Town Clerk Betsy A. Marsh  
Approx. 30 guests

The Sardinia Town Board held its Regular Town Board meeting for September on September 13, 2012 at the Sardinia Town Hall/Community Center. Supervisor Hannon called the meeting to order at 6:30 PM, with the Pledge to the Flag and a moment of silence, especially remembering those who gave their lives on 9/11/2001.

The Town Clerk has submitted the minutes of the August 9, 2012 Public Hearing on the Special Use Permit for a dog kennel, the August 9, 2012 Regular Board Meeting, the August 16 Special Emergency meeting, and the August 16 Executive Session, all of which were approved as written on a motion by Morrell, seconded by Miller, and carried, 4 ayes, 1 absent, 0 noes.

Departmental Reports included:

Supervisor Hannon reported that:

- She attended a Supervisor's Summit Meeting where the budget process was discussed.
- She met with the Town's accounting firm at a roundtable with other Supervisors who are also clients of the firm, to discuss the upcoming budget process. She informed that the NYS Retirement System costs are increasing 10.6% this year, and noted that the Retirement System is a Defined Benefit program.
- She stated that, concerning contract negotiations with the Fire Company, she is still waiting for a meeting date from their representatives so they can continue the negotiations. She stated that the last meeting was August 6<sup>th</sup>.
- The Board has received a letter from Justice Thompson requesting approval to apply for a JCAP grant for the Court. The Supervisor read the letter, which stated that the deadline for application is October 1<sup>st</sup>, and the grant will be for \$13,500.00. **After discussion, on a motion by Miller, seconded by Montgomery, Justice Thompson was granted permission to apply for the grant. Carried, 4 ayes, 1 absent, 0 noes.**

Supervisor Hannon gave Councilman Earl's report, which stated that Claudia Guilmain would like to use the Town Hall gym on Saturday, November 17<sup>th</sup>, and that use has been approved by the Youth Board. **On a motion by Montgomery, seconded by Morrell, the Town Board approved the Guilmain use of the Town Hall gym, and they will be told that the rental fee can be paid to the Town Clerk. Carried, 4 ayes, 1 absent, 0 noes.** Councilman Earl also reported that the first night of Friday Night Recreation will be October 5<sup>th</sup> and will be overseen by Chris Warner. Participants will need their parents to sign them in and to sign a waiver from liability. She also reminded that there will be a Town sponsored trip to Ressler's Corn Maize in Arcade on October 13<sup>th</sup>. Admission for ages 0 to 11 will be free, and ages 12 to adult will be \$5.00. Tickets can be purchased from Laura Marshall, who is here from 6:30 to 8:30 PM on Tuesdays, and 9 AM until noon on Wednesdays and Thursdays.

Councilman Miller reported that he received a letter concerning grants for broadband service, and is waiting to hear back from the Town's grant writer to see if the Town might be eligible. He stated he had attended a meeting of the Southtowns Community Enhancement Coalition, of which we are not a member. He stated they are discussing the Scenic Byway, which currently includes Aurora, Boston, Colden, Concord, Orchard Park, and Springville, and are talking of expanding it. Mr. Miller stated he would like to see it expand into Sardinia. He stated he is unsure if there would be a cost involved, and understands that most Towns pay \$250.00. He stated he is also checking out the Agritourism Trail, which is basically a farm trail, currently including Evans, Eden, Brant, and North Collins. Councilman Miller stated he feels that Sardinia should join, at a cost of \$1,000.00 per year. He stated that he and Councilman Earl, as was discussed at an earlier meeting, were to work on a Farm Trail brochure for Sardinia, and he stated that if the Town joined this Southtowns Community Enhancement Coalition, the Town could use its resources, and they do brochures and other advertisements, as well as farm surveys, updates, etc.. He stated that their fiscal year goes from January to January, so membership dues are not due until January. Mr. Miller stated his feeling is that we should eliminate the local Ag trail and go with this one. He stated that their next meeting is October 11<sup>th</sup> at 9:30 AM in Eden. On a motion by Miller, seconded by Montgomery, the Town Board approved membership in the Southtowns Community Enhancement Coalition, at a cost of \$1,000.00. Carried, 4 ayes, 1 absent, 0 noes. Supervisor Hannon asked Mr. Miller to report each month on the Coalition meetings. Councilman Miller also reported that yesterday, the Erie County Department of Environment and Planning approved the Farmland Protection Plan. He stated that anyone interested can see it on-line at [www.erie.gov](http://www.erie.gov), stating it is 86 pages long. He also reported that he spoke to Legislator Mills' office, who is looking at a tax forgiveness plan for the abandoned property on Rt. 16, and the bank stabilization project on Rt. 39 is nearly complete. He also announced that the Historical Society is having their annual fish fry and mum sale on Friday, September 14<sup>th</sup> from 4 PM until 7 PM at the Meeting House.

Councilman Morrell reported that he has arranged for an AARP Safe Driver's course to be held in the Town of Sardinia on October 18<sup>th</sup> & 19<sup>th</sup> from 6 PM til 9 PM both nights. He stated that there are no age limitations for participants. **On a motion by Morrell, seconded by Miller, advertisement for the class was approved, carried, 4 ayes, 1 absent, 0 noes.** Mr. Morrell stated he has also contacted HEAP and was told that the earliest they will be available to come to Sardinia is January. He stated he has received one estimate for glass blocks to repair some of the broken ones in this building, and is expecting a second, but it has not yet been received.

Councilman Montgomery reported that there will be an AED refresher course on September 19<sup>th</sup> from 6 to 9 PM for those who took it last year, here in the cafeteria. He also stated he has contacted Kelly Kowalski of the Food For All program, who informed that she hasn't been coming to Sardinia due to lack o participation. She agreed to come out on October 15<sup>th</sup> for 1 ½ hours, and he suggested we advertise. **On a motion by Montgomery, seconded by Morrell, the Board approved advertisement of the Food For All program.** Carried, 4 ayes, 1 absent, 0 noes. Mr. Montgomery also stated that the annual Senior Flu clinic, with the VNA, has been scheduled for November 2<sup>nd</sup> from 9 AM until 1 PM, and Waste Management will once again provide a brunch. He informed that the Town will hold a Rabies vaccination clinic, for Town residents only, on November 3<sup>rd</sup> from 9 AM until noon, at the Highway Garage. Limiting the amount of dogs per residence was discussed, and it was decided to limit the number of dogs vaccinated to four per residence. The number of cats to be vaccinated was also discussed, but it was felt that it is important to have animals vaccinated. It was decided not to limit the number of cats, since they have to be in crates anyway. **On a motion by Montgomery, seconded by Morrell, the rabies vaccination clinic, with these stipulations, will be advertized.** Carried, 4 ayes, 1 absent, 0 noes. Mr. Montgomery stated he had attended the Association of Erie County Governments and the discussion was on the Farmland Protection Program, which has now been adopted. He stated that the goal is to keep more land in farming. Councilman Montgomery informed that he received notice of the following road closures due to repairs at CSX Railroad crossings. He stated that today and tomorrow, September 13 and 14, the north Curriers Rd. crossing is closed, on September 17 and 18, the south Curriers Rd. crossing will be closed, on September 19 and 20, the Genesee Rd. crossing will be closed, and on September 24 and 25, the East Schutt Rd. crossing will be closed. The Highway Superintendent stated they have figured on two days per crossing, and will notify him if it will take longer. He stated he also has the number for the project coordinator if we have a problem.

Highway Superintendent Hopkins reported that his department is continuing to blacktop Town roads and today and tomorrow, are doing Domes and Mehm Roads. He state he hopes to be done with the road work soon because they have other projects to do. Concerning the Sebzda bank stabilization project, there had been a 1 day delay due to the construction company not feeling they had enough equipment, but it went well once it was started. He stated they got the pipe in well, and there is an impressive amount of water leaching into the installed pipe. He stated they then did the final grading, and due to rain, did a lot of damage to the neighboring lawn, which took three loads of topsoil to repair. Mr. Hopkins stated that Erie County Soil & Water will then be putting in bushes so that a root system will grow to help stop any erosion. The Highway Superintendent also reported that his department cleaned out the Dry Brook ditch on West Schutt Rd. and used the materials they pulled out for the bank stabilization project, minus the tires and other trash they also removed. He also stated that there was \$10,000.00 put into his Building Repairs line item in the 2012 budget. He stated that the Highway Garage roof needs to be sealed and asked for Board approval to get prices for the repair, noting that he will make the calls for quotes for the 80' x 100' roof. On a motion by Montgomery, seconded by Miller, Mr. Hopkins was given permission to get 3 quotes for the roof repair. Carried, 4 ayes, 1 absent, 0 noes. Councilman Miller asked the Highway Superintendent if it would be possible for the Highway Department to take out the driveway between the shelters at the Genesee Rd. Park, noting that it is breaking up and is dangerous. Mr. Hopkins stated he is aware of the problem, and they can remove it and possibly replace it with a blacktopped walkway to the restrooms. The Supervisor asked that he meet with Councilmen Miller and Earl at the Park before the next meeting to decide on a solution.

Attorney for the Town Linda Joseph was not on hand at the meeting, so Supervisor Hannon read her report to the Board. Matters were handled by the attorney this month, as follows:: reviewed the septic system project for the Town Hall, suggesting that the bid packet require a non-collusive bid statement, specifications, prevailing wage rates, and anything else the Board may want to include; provided advice to the Planning Board and Supervisor regarding the Gernatt re-zoning application; provided advice to the new CEO on status of the Hutchinson Rd. & Tri-County Business Park projects; provided legal advice and assistance to the Town Supervisor and Town Board on personnel matters; and reviewed insurance underwriter's comments and confirmed that the recommendations were fulfilled.

Under Comments from the Public:

Tom Lewis of Waste Management informed that Waste Management will hold a Household Hazardous Drop-off Day on September 29<sup>th</sup> from 8 AM until noon, and stated that they have been designated as an e-scrap drop off point, and will accept electronic waste any day.

**Warrant #9 of 2012, including vouchers #551 through #632, totaling \$106,677.86, of which \$30,272.10 was General Fund expenditure, \$73,725.04 was Highway Fund expenditure, \$1,625.35 was Fire District expenditure, and \$1,055.27 was Street Lighting, was approved for payment on a motion by Montgomery, seconded by Morrell, and carried, 4 ayes, 1 absent, 0 noes.**

Under Unfinished Business:

The Supervisor pointed out that in connection with the septic system here at the Town Hall, E & M Engineers has provided the Town with plans, which were also sent to the Erie County Health Dept., along with a check to process the plans. They have now been approved by the County. The Supervisor stated that the Town is going with the plan that is less costly to build. She also stated that the Town also got another agreement with the engineers to produce the bid packets. She stated that the original agreement was on a per hour basis, not to exceed \$4,000.00, and that included preparing the bids, answering questions on specs, bid opening, awarding the contract, making sure the contractors paperwork was all in order, etc, and answering questions during construction. The Supervisor stated that since our new CEO is a past inspector for the County Health Dept., he will be able to take on some of these duties, and the Town

Attorney can also review and handle some of the items, so that should cut some costs. She stated that the new agreement, which includes putting together 10 bid documents and the advertisement, is for an hourly rate, not to exceed \$1,200.00. She then asked Board members if they feel the Town should bond the project. She stated she doesn't feel it is necessary, and feels that the bonding process usually makes for more expense. None of the other Board members felt the bond was necessary. **On a motion by Miller, seconded by Montgomery, the Board approved entering into an agreement with E & M Engineers to produce the bid packages and the Advertisement for Bids at an hourly rate, not to exceed \$1,200.00. Carried, 4 ayes, 1 absent, 0 noes.** The Supervisor stated that the bid package will not be produced until approved by the Attorney for the Town. **On a motion by Montgomery, seconded by Morrell the Town Hall septic system project will be put out to bid pending approval by the Attorney for the Town of the bid packages. Carried, 4 ayes, 1 absent, 0 noes.** The CEO stated he has seen the plans and they are pretty straight forward, and he sees no difficulties. The Supervisor asked him about the time limitations and asked him if he can review the bids. He stated he could do so.

The Supervisor stated that there are several budget transfers necessary. The following resolution, to be known as Resolution #43 of 2012, was moved for adoption by Earl, seconded by Montgomery, as follows:

**RESOLUTION #43 - 2012 - APPROVAL OF FUND TRANSFER**

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

<b>TRANSFER FROM</b>	<b>AMOUNT</b>	<b>TRANSFER TO</b>
A960 Appropriations	\$1700.00	A1110.400 – Just. Contr
A510 Est Revenues	\$1700.00	A3021 – State Aid JCAP Grant
A1620.420 – Bldg Heat	\$ 615.04	A1620.440 – Bldg Repairs
A3120.400 – Police Contr	\$ 19.89	A3510.400 – Dog Contr. Contract
A7180.100 – Spec Rec PS	\$ 679.65	A7020.100 – Rec Admin PS
A7180.100 – Spec Rec PS	\$1346.85	A7140.120 – Playground PS

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

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

Concerning the Rt. 39 Cemetery Eagle Scout project, the Supervisor stated she has met with the Scout Leader, who is also the father of the Eagle Scout. She stated that the project is completed, and the ceremony they would like to have is still in the planning stage.

The Supervisor stated that copies of the Waste Management Quarterly report are available at the front table, and also on their website.

Under New Business:

Supervisor Hannon stated that the Assessor has requested authorization to attend the annual NY State Assessors' Association conference in Lake Placid at a cost not to exceed \$500.00. She stated that the costs are 99% reimbursed by the State. On a motion by Miller, seconded by Morrell, the following resolution, to be known as Resolution #44 of 2012, was moved for adoption:

**RESOLUTION #44-2012**

**APPROVAL OF THELMA HORNBERGER, TOWN ASSESSOR ATTENDANCE AT NYS ASSESSOR'S ASSOCIATION CONFERENCE**

**WHEREAS**, the Sardinia Town Board has received a request from Town Assessor Thelma Hornberger to attend the annual NYSAA Conference in Lake Placid, New York from September 30 through October 3, 2012, at a cost not to exceed \$500 – the remainder cost would be reimbursable by the State and

**WHEREAS**, the Sardinia Town Board recognizes the importance of furthering education, and

**NOW , THEREFORE BE IT RESOLVED** , the Sardinia Town Board hereby approves the request from Town Assessor Thelma Hornberger to attend the NYSAA Conference from September 30 through October 3, 2012 in Lake Placid, New York at a cost not to exceed \$500 – the remainder cost would be reimbursable by the State.

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

The Supervisor stated that a letter of resignation has been received and accepted from Zoning Board of Appeals member David Malachowski. She asked the Board's permission to advertise the position, stating that she and Councilman Earl could then interview applicants and recommend an appointment to that Board. On a motion by Montgomery, seconded by Morrell, the Board authorized advertisement of the position. Carried, 4 ayes, 1 absent, 0 noes.

Supervisor Hannon stated that the Planning Board is recommending an amendment to the Town's Zoning Ordinance Section 115.17.1(A)(1)(J) to be added to the Zoning, as follows:

Town of Sardinia Zoning Ordinance § 115-17.1(A) (1) (j) be added to include as follows:

Sand and Gravel Mines that have are located in the attached overlay district and have a New York State Department of Environmental Conservation Mining Permit where through conditions set forth by the New York State Department of Environmental Conservation or by Declarations of Restrictions recorded with the Erie County Clerk by the property owner require as follows:

- a) Concurrent reclamation to the maximum extent possible; and
- b) Mitigation for the loss of prime farm land as a result of mining and reclamation shall proceed on an acre-for-acre basis as prime farmland is permanently removed from production. For every acre permanently removed from production, another off-site must be benefitted or improved within one year From said removal. Said mitigation shall be located in the Town of Sardinia. Acceptable mitigation methods shall include, but not be limited to, assisting Town of Sardinia farmers by offering grading, drainage and erosion control improvements with machinery, personnel or funds or securing development rights and conservation easements on other properties. Holder of mining permit to submit to Sardinia Town Board, Sardinia Planning Board and Sardinia Town Clerk to be available for public review a summary of mitigation projects accepted by Erie County Soil and Water Conservation District, including locations, acreages and methods.

The Supervisor stated she feels that the Board should review the packets submitted to everyone by Gernatt Asphalt requesting the re-zoning, and asked that Gernatt put on an informational meeting for the Town Board at the next regular meeting.

The Supervisor stated that she would like to set the date for a public hearing on the Community Development Block Grant program for October 11, 2012, at 6:15 PM. She stated that a review of the 2012 Town Budget will also be held that same evening, October 11, 2012, at 5:45 PM. She also reminded all department heads that their budget estimates should be returned to her by September 20, 2012.

The Supervisor also noted that the July 2012 Fire Company Treasurer's report was received by the Board.

The Supervisor stated that there was no need for an Executive Session.

There being no further business to come before the Board, on a motion by Montgomery seconded by Morrell, the meeting was adjourned at 7:15 PM. Carried, 4 ayes, 1 absent, 0 noes.

Respectfully Submitted,

Town Clerk