

9-12-2013 – 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:

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

The Sardinia Town Board held its Regular Town Board meeting for September on September 12, 2013 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, particularly in remembrance of September 11, 2001.

The Town Clerk has submitted the minutes of the August 8, 2013 Public Hearing on the TRUST law, and the August 8, 2013 Regular Town Board meeting, which were **approved as submitted on a motion by Earl, seconded by Montgomery, and carried, 5 ayes, 0 noes.**

Departmental Report Included:

Supervisor Hannon stated that Saturday, September 28th is the Hazardous Household Drop-off day at Waste Management, and stated that fliers are at the front table; she stated that she and bookkeeper Bev Gambino have been answering questions on the TRUST program; she and Board members have been invited by the Erie County Sheriff to Media Day on October 2nd from 10 AM until 2 PM at the Sheriff's SWAT range; she has spoken to Mark Gaston of Erie County Soil and Water a number of times about the Sebzda project, which will be discussed later in the agenda; she has received a notice from Judge Vossler concerning the Tri-County Business Park sign matter, notifying that the sign is legal, but the advertisement of the businesses and the fashion in which it was done is not, it has been addressed by the Judge, and hopefully, Mr. Koch will adhere to the Judge's orders. She also stated she has received notice from Hometown Fire Fighters stating that checks will be being sent to 5 new members, who are David Kibler, Anthony Korcz, Lee Smith, John Van Curran, and James Wiedemann. She stated each of them will be receiving a monthly check in the amount of \$160.00 per month for life, and an annual payment of \$575.00 for every year they remain active in the Fire Department. The Supervisor reported that the Town's insurance carrier, NYMIR, has notified that rates will be down slightly for 2014; reminded that the 2014 budget process starts now; the Erie County Department of Environment and Planning will be holding 3 public forums on to determine the needs and priorities of low and moderate income residents for the Community Block Grant Consortium, and the closest is at the Springville Municipal building on September 19th at 7 PM.

Councilman Morrell reported that he received a letter from AARP and asked the Board if they were interested in holding another driving school. He stated that at least 20 people are needed to hold a class, and asked people to call him if they are interested. He stated they have raised their rates due to technology and the costs are now \$20.00 for AARP members and \$25.00 for non-members. The matter was discussed and it was felt that a course should be set up for sometime in November. Mr. Morrell will look into it further.

Councilman Montgomery reported that another free rabies vaccine clinic has been scheduled for October 12th at the Town Highway Barn, from 9 AM until noon. He stated that he will advertize. He also stated that the Flu vaccination clinic is scheduled for November 1st from 9 AM until 1 PM, and he will advertize that also.

Councilman Earl reported that the pool is closed, and the pool receipts were less than anticipated due to the weather. She stated that the Youth Board has discussed possibly setting temperature guidelines for closing the pool for future years, since there were a lot of temperatures in the 60's when no one was utilizing the pool. Councilman Earl stated that the Friday Night Recreation Program will start again on October 4th, with Rec being held from 6 PM until 7:30 PM for ages 6 to 10, 7:30 PM until 9 PM for ages 11 to 15, and from 9 PM until 10 PM for young adults ages 16 and up. She stated that Chris Warner will be volunteering to run that program again this year, did very well last year, and are looking for a couple of things, those being hockey balls and bases for the gym. She stated that the Saturday Chess Club is on hiatus during high school football season, but they will be having chess on the stage during Friday Night Rec. Councilman Earl also stated that the Youth Board would like to bring Zumbatonics back for Town residents, possibly in November, and would like permission to advertize for an instructor. She stated that it was very well attended in the past, with 28 to 30 kids attending. The Supervisor asked how much the instructor cost was last year, and Ms. Earl stated she couldn't remember, but they will get costs when the instructors are contacted. They will advertize. Councilman Earl stated that she received a budget sheet regarding Springville control and she is questioning a charge to the Fire Company, which she doesn't feel that the Fire Company, nor the Town, should be charged for, involving employees at the Control Center. She asked the Supervisor to look into the matter.

Councilman Miller reported that he has been working on the Southtowns Enhancement Coalition's Farm to Table Harvest Dinner, which will be held on September 21st, and tickets are \$60.00 per person. He stated that all the food is donated by local growers, with the exception of the wine, which is from Ellicottville.

Highway Superintendent Don Hopkins reported that the pool is now shut down and winterization is being done; H & H Roofing started on the Highway Garage roof and it is approximately 2/3 done, and it is anticipated it will be completed next week; the Dry Creek bridge project is expected to be completed in mid-October; he and the Highway Dept. have now completed a major road recycling job on Van Slyke Rd. and the residents have all had positive comments on the project. Mr. Hopkins stated that he met with Planning Board Chairman Bob Hill and Manfred Koch concerning the Hutchinson Rd. townhouse project. Mr. Hopkins stated that it is not his responsibility to upgrade the road, and has been in contact with

the State DOT, who agreed that he is not responsible since it is a business venture, not a residential venture, Mr. Koch is responsible for any upgrades. He stated they have come to an agreement, he has not heard the results of the Planning Board meeting, but everyone is happy with the agreement, and once Mr. Koch does his end of Hutchinson Rd., the Highway Dept will have to do their end. Mr. Hopkins also stated that the Highway Dept. has had a small pile of used tires which the Dept. has generated, but many more tires have been dropped off illegally over the last few years and it is now a massive pile. He has checked with a company who will clean up the pile at a cost of \$98.50 per ton, but anything larger than a 20" tire is \$72.50 per tire. Mr. Hopkins estimates there are approximately 2 tons of tires there. He asked the Board for permission to go ahead with the clean up. **On a motion by Earl, seconded by Miller, the Board gave the Highway Superintendent the authorization to proceed with the clean up. Carried 5 ayes, 0 noes.** Concerning the snowplowing contract with Erie County, Mr. Hopkins stated that the County is offering a 1% increase to the Towns. He stated that County Executive Polencarcz and Highway Commissioner LoFreddo think it's a good offer, the Highway Superintendents do not, and Mr. Hopkins stated that as it stands right now, the Towns will not be plowing any County roads this year, stating that the contract had expired on August 31st. He stated that he expects that there will be a contract settlement before it snows. Concerning the Rt. 39 washout problem, the Highway Superintendent stated he has spoken to Mark Gaston of Erie County Soil and Water, who estimates that the materials needed for the project are 600 tons of fill and 100 feet of pipe, and possibly a load of clay. He stated he has a quote of \$2.00 per ton from Gernatt for the fill, and \$3,200 to use their high hoe. Mr. Hopkins estimates that it will take about 2 days to complete the project. He stated he has been in contact with some of the surrounding towns who would have no problem with helping him haul fill material. He stated that, next to the cost, the next biggest problem will be access.

The Attorney for the Town was absent, therefore there was no legal report.

Under Public Comments:

Town Justice Ronald Thompson stated he wanted to thank the Board for all the help with the JCAP grant, and that had attended the annual Conference for Judges in Lake Placid, where the biggest concern is court safety. He stated that the Judge in Waterloo, NY was attacked after an arraignment, and also a Judge in Little Valley was also attacked. He stated that part of what their grant request is for this year is to move the courtroom to the second floor for a safer environment. He also noted that, concerning the AARP driving course that was discussed earlier by Councilman Morrell, they always tell defendants to go on line or take the course when offered. He stated there is a 10% discount on your car insurance. Judge Thompson then informed that there is a DA night coming up on September 17th and he invited the public to come and sit in and see what they do in court.

Gene Parzych of Matteson Corners Rd. asked for clarification on the tax rebate and the STAR letter that was received from the State. He felt that there may be Senior Citizens who feel they have already signed up for the STAR exemption and won't do it again. It was explained that the State letter referred to Basic STAR holders only, and did not pertain to the Enhanced, or Senior STAR exemption.

Tom Lewis of Waste Management stated that there will be a Hazardous Household Waste drop off day on September 28th from 8 AM until noon at the landfill and fliers are available at the front table. He noted that this time, the application normally filled out at the landfill has been included on the flier to make the drop off quicker and safer, stating that last time, there was a bit of a back up while those were filled out, so please have the application completed and then it can just be handed to the landfill staff.

Next was Approval of Bills. The Supervisor stated that there are three transfers within the budget that are necessary. The following resolution, to be known as Resolution #59 of 2013, was moved for adoption on a motion by Montgomery, seconded by Earl:

**RESOLUTION #59 - 2013
APPROVAL OF FUND TRANSFER**

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

TRANSFER FROM	AMOUNT	TRANSFER TO
A1110.200 Just. Equip.	\$225.80	A1110.400 Justice Cont.
A1990.400 Contingency	\$706.21	A1670.400 Central Storeroom
A7110.200 Parks Equip.	\$607.08	A7110.400 Parks Cont.

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

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

Abstract #9, including vouchers #546 through #611, and totaling \$133,230.91, of which \$23,987.26 is General Fund expenditure; \$104,823.76 was Highway Fund expenditure, \$3,459.41 was Fire District expenditure, and \$960.48 was Lighting District expenditure, was then approved on a motion by Earl, seconded by Morrell, and carried 5 ayes, 0 noes.

Supervisor Hannon stated that regarding the TRUST rebate, everyone has until November 15th to submit their application, filled out, with a copy of their paid school tax receipt. She stated that the biggest complaint they have received is from people with escrow accounts. She stated that the Holland and Springville tax amounts can be downloaded from their websites, and the actual bills should be coming out this week. She stated that the best case scenario is to get a copy of your tax bill, get it paid, and bring it in with the completed application, and that is that. Ms. Hannon stated that if there are other circumstances, contact them and they will answer any questions. She stated that she and her bookkeeper will be in the Supervisor's office all of September from 9 AM until 4 PM on Mondays,

Wednesdays, Thursdays and Fridays and from 6:30 to 8:30 PM on Tuesdays and are more than willing to get it straightened out for you.

Concerning the Sebзда project, she wanted to make sure that the public is aware that this is considered a conservation project by Erie County, and under NYS law, municipalities cannot go on private property and take care of problems, but because this is a conservation project, Erie County is involved and the Town is able to help out. She stated it not only effects the Sebzdass but also the surrounding neighbors, and the Hosmer Creek is involved. She stated they tried fixing the problem last year, but it was not quite successful. She asked the Highway Superintendent what the estimated costs are going to be, if they would be less than \$5,000.00, and he stated they would be more than \$5,000.00, with the equipment rental cost alone at \$3,200.00. Mr. Hopkins stated that the estimate for the overburden is \$1,200.00, and he is unsure of the cost for the clay. Mike Hannon stated he would donate the overburden and the clay, if the Town will load it, stating he has a stockpile at his permitted pit on Ross Rd. in Concord, off Reed Rd. The Highway Superintendent stated they can load it, if Erie County Soil and Water approves the material. Mr. Hopkins stated that part of the problem from last year is that the plantings that were needed to hold the bank in place didn't get put in. The Supervisor asked how the rest of the Board felt about the Town going forth with the project again. Councilman Earl stated that she wants to make sure that if the Town does the work it gets completed now so we don't have to do it again next year, such as the plantings. Councilman Morrell stated that was his sentiment, also. Councilman Miller stated the work needs to be done, there are four septic tanks involved, He stated it is an environmental problem that affects the Hosmer, the Cattaraugus Creek, and Lake Erie. Councilman Morrell asked about the access problem that the Highway Superintendent mentioned. Mr. Hopkins stated he talked to the store manager, and there is no problem going in from there, but they have installed a new septic system and Sebзда's septic system is there, but he feels that they can go along the bank. The Supervisor stated we have more than enough money in the environmental fund to pay for the project. The matter was further discussed, and **a motion was made by Earl, seconded by Montgomery to allow the project to go forth and to accept the donated materials, on the condition that Erie County Soil and Water approves. Carried, 5 ayes, 0 noes.**

Supervisor Hannon stated that, regarding the snowplowing contract with Erie County, the Board has to decide if they want to accept the 1% increase offered by the County. **On a motion by Earl, seconded by Morrell, the Board voted to deny the offer of only a 1% increase, as made by Erie County. Carried, 5 ayes, 0 noes.** Supervisor Hannon stated there were 2 letters, 1 dated April 22nd and one dated September 9th, that came in from Frederick Piasecki, Jr. the President of the Erie County Highway Superintendent's Assoc., written to the Erie County Commissioner of Public Works John Lofreddo, expressing the association's displeasure with the offer. Councilman Earl asked Mr. Hopkins if he had heard of any towns accepting the offer, and he stated no, there had been a rumor that Cheektowaga had, but it is not true. He stated that the Towns' costs have risen greatly, and none have accepted.

Under New Business:

The Supervisor stated that Vince Perry sent a short note stating that he is resigning from the Planning Board, and she also has received an application from Roxanne Perry, his daughter-in-law, who would like to serve on the Planning Board. Supervisor Hannon stated Ms. Perry is young and a farmer, and the Supervisor feels it would be an opportunity to put someone new and fresh on that Board. **On a motion by Earl, seconded by Morrell, the Board approved the appointment of Roxanne Perry to the Planning Board to fill the vacancy. Carried, 5 ayes, 0 noes.**

The Supervisor stated she had a conversation with Historical Society President Dan DeGolier, who stated that he and his committee have decided to go with a 1 year contract between that group and the Town, so everything will remain the same, including the \$25,000.00 contractual amount. The following resolution, to be known as Resolution #60 of 2013, was moved for adoption on a motion by Miller, seconded by Earl:

**RESOLUTION #60 - 2013
APPROVAL OF CONTRACT WITH TOWN OF SARDINIA AND
SARDINIA HISTORICAL SOCIETY**

WHEREAS, the Sardinia Town Board agrees that the Historical Society does provide a service to the Town and agrees to provide the amount of \$25,000 annually for a period of one year to financially support such services and to aid in the maintenance of the Meeting House building ; and

WHEREAS, the Sardinia Town Board has reviewed the contract which was reviewed by the attorney for the town Linda Joseph, Esq. and has agreed upon the terms for a contract with the Historical Society in the amount of \$25,000 for the one year period of the contract, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves a contract with the Sardinia Historical Society and will provide the amount of \$25,000 for a period of one year as stated in the terms of the contract.

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

Supervisor Hannon stated that she and Clint Salmon attended a Southtowns Meals on Wheels meeting on Monday. She stated that they were very concerned about the progress of the organization because it appears that the Southtowns Meals on Wheels is going to be taken over by the Western New York Meals on Wheels, and they are concerned how the meals will be served to the Southtowns from the City. She stated that the Southtowns group will no longer exist but she and Mr. Salmon are looking at other options, including the Town of Sardinia doing their own program through the hospital, and will be working very hard to come up with a workable plan for this worthwhile program.

The Supervisor stated that Councilman Miller has put in a request for the Town to pay for a breakfast meeting for the Southtowns Enhancement Coalition on October 3rd, in an amount between \$100.00 and \$200.00. Mr. Miller stated that all of the participating Towns do this, and he will submit a voucher for the actual amount. Councilman Earl asked if he was planning on doing it here at the Town Hall, and he stated he has changed the location to the White Star Inn. On a motion by Earl, seconded by Montgomery, Mr. Miller's request, not to exceed \$200.00, was approved. Carried, 5 ayes, 0 noes.

The Supervisor stated she has received the Fire Company's Treasurer's report, and the minutes of their meetings. She stated that there will be a 2014 Budget Review meeting at 6:00 PM on October 10th to review the Tentative Budget, which will be filed with the Clerk by the end of September; and also on October 10th, there will be a Public Hearing on the CDBG Program at 6:15 PM.

There being no further business to come before the Board, on a motion by Earl, seconded by Morrell, the meeting was adjourned at 7:08 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk