

2-17-2012 – SPECIAL/EMERGENCY 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

Supervisor Hannon called a Special Meeting for February 17, 2012, 10:00 AM at the Town Hall/Community Center for the purpose of reviewing and acting on the contract between the Town of Sardinia and the Sardinia Highway Employees Association, and to conduct any other business deemed necessary by the Board. Notice of the meeting had been given at the February 9, 2012 Regular Town Board meeting to all Town Board Members and audience members. The Town's official newspapers, the Arcade Herald and the Springville Journal, were notified by the Clerk more than 24 hours in advance, and the notice of the meeting was placed on the Town Clerk's sign boards and other conspicuous places in the Town. Supervisor Hannon called the meeting to order at 10:00 AM.

The Supervisor stated that the latest contract with the Highway Employees is now available for review, but there may be a problem with one section in the contract, and it will need to be discussed in Executive Session. On a motion by Earl, seconded by Montgomery, the Board moved into Executive Session at 10:01 AM to discuss contract negotiations, carried 5 ayes, 0 noes.

On a motion by Earl, seconded by Montgomery, the Board reconvened the regular session at 10:09 AM, with the Supervisor stating that the last hourly rate table was removed from the final contract, and had inadvertently been left in the draft from the previous contract. On a motion by Morrell, seconded by Miller, the 3-year contract with the Highway Employees Association was approved in its final form, and the Supervisor was authorized to execute the contract on behalf of the Town. Carried, 5 ayes, 0 noes.

Supervisor Hannon stated that the disability insurance, as which is based on the pay scale, will cost \$37.40 per man per year. She stated this was the plan recommended by the Town's insurance agent. On a motion by Earl, seconded by Miller, the Board voted to approve the disability insurance policy at the cost of \$37.40 per employee per year. Carried, 5 ayes, 0 noes. The Supervisor stated she will contact the insurance agent and pay the disability insurance premium and have it go into effect as soon as possible, but will not be able to have it be retroactive to the first of the year.

Supervisor Hannon stated that the next issue that needs to be addressed is the request from Tom Warner to use the Town Hall cafeteria for chess practice for up to 16 youths on Tuesday February 21st and Thursday February 23rd, during the school break, from 6:30 PM until 8:30 PM each night. On a motion by Earl, seconded by Morrell, the Board approved Mr. Warner's request for the building usage. Carried, 5 ayes, 0 noes.

Supervisor Hannon stated that there is a new amendment to the Open Meetings Law, which requires that agendas for Board meetings now must be posted on the Town's website. Attorney Joseph stated that any documentation, letters, etc. also need to be attached, however the law is vague, and she stated that the Town, in its proposed resolution, is putting a limit of 15 pages of what gets posted to the website. It was also felt that if the subject matter was something that was controversial, then the documentation would be attached. The following resolution, to be known as Resolution #17 of 2012, was then moved for adoption by Earl, seconded by Morrell:

**RESOLUTION #17 - 2012
APPROVAL OF STEPS TO BE TAKEN TO COMPLY WITH THE AMENDMENTS TO THE OPEN
MEETINGS LAW**

WHEREAS, the New York State Legislature has amended the Open Meetings Law to impose new requirements that, if practicable, certain documents be posted in advance of public meetings on the Town's website;

WHEREAS, the Town's website is maintained by the Erie County and postings on the Town's website will depend on response by Erie County to any requests for postings or modifications to the website;

WHEREAS, the new requirement of posting on the Town's website applies to public meetings of the Town Board, Planning Board and Zoning Board; and

WHEREAS, the Town, prior to being required to provide advance disclosure by the new amendments to the Open Meetings Law, on its own, already provides advance notice of public meetings by publication and posting and further provides the information intended to be made public by the new amendments to the Open Meetings Law by providing copies of the Town Board's monthly meeting agenda and proposed resolutions at the monthly meeting itself and in advance of the meeting at the Office of the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Sardinia Town Board hereby establishes the following steps to be taken by Town Clerk and the Chairpersons of the Planning Board and Zoning Board for purposes of compliance with the amendments to the Open Meeting Law: (a) the Town Board, the Planning Board and the Zoning Board will have posted meeting agendas, if practicable, at the Town Hall as soon as practicable in advance of

meetings and supply at each regular meeting—as the Town Board already does—copies of the agenda for such regular meetings so that members of the Public will have available to them information as to the meeting topics to be discussed and the resolutions, if any, to be considered at such meeting; (b) if practicable, as soon as possible in advance of such meetings, the Town Clerk and the Chairpersons of the Planning Board and Zoning Board will send by email to Erie County for posting on the Town’s website the copies of the agenda and any letters or documents likely to generate significant discussion at such meeting, provided however that there will be a limit to the page number of any letters or documents to be so posted of fifteen (15) pages; and (c) in accordance with the amendments to the Open Meetings Law, if any letter or other document is not posted on the website and such document is requested and available to production pursuant to a Freedom of Information Law (“FOIL”) request, the Town is permitted to charge the same fee that it now charges for such FOIL requests for documents.

BE IT FURTHER RESOLVED that copies of this Resolution shall be provided to the Town Clerk and the Chairpersons of the Planning Board and Zoning Board to assist them in compliance with the new amendments to the New York State Open Meetings Law, to the best of the Town’s ability.

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

Supervisor Hannon stated that the Board needs to go back into Executive Session, along with the Attorney for the Town and Assessor Thelma Hornberger to discuss a matter of potential litigation stemming from an assessment issue. On a motion by Hannon, seconded by Morrell, the Board moved into Executive Session at 10:27 AM to discuss the potential litigation. Carried, 5 ayes, 0 noes.

On a motion by Miller, seconded by Earl, the Board moved back into regular session at 11:15 AM, carried 5 ayes, 0 noes. Supervisor Hannon stated that Waste Management has applied for a property tax exemption, which the Board feels should be denied. On a motion by Morrell, seconded by Montgomery, the Board will send a denial letter prepared by Attorney for the Town Linda Joseph and Assessor Thelma Hornberger. Carried, 5 ayes, 0 noes.

There being no further business to be discussed by the Board, on a motion by Montgomery, seconded by Miller, the meeting was adjourned at 11:20 AM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk