

## 8-9-2012 – 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 Hopkins  
Town Clerk Betsy A. Marsh  
Approx. 20 guests

The Sardinia Town Board held its Regular Town Board meeting for August on August 9, 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.

Supervisor Hannon introduced Mitchell Martin, representative of Senator Patrick Gallivan's office, who stated that if anyone had any questions or concerns that they would like him to take back to the Senator, please contact him, and left his cards for anyone who would like them.

The Town Clerk has submitted the minutes of the July 12, 2012 Public Hearing on the Unsafe & Dangerous Structures legislation, and the July 12, 2012 Regular Board Meeting, which were approved as written on a motion by Earl, seconded by Morrell, and carried, 5 ayes, 0 noes.

Departmental Reports included:

Supervisor Hannon reported that:

- She had attended the Southtowns Meals on Wheels meeting and stated that the Village of Springville will be joining the program.
- She has been working with Carla Fuller on forms for the Code Enforcement, Planning Board, and Zoning Board of Appeals departments to try and simplify the various processes for applicants and others. She stated that the Attorney for the Town will be reviewing them, as well.
- She and Councilman Earl have met with representatives of the Fire Company to start negotiations on the contract between the Town and the Fire Company.
- She met with the NYMIR representative this morning, and the Town is in good shape and in compliance. She stated there were a few minor items, which will be remedied.
- She is looking toward the upcoming Town Budget process, and will be distributing budget work sheets to department heads next week. She noted they will need to be submitted back to her by September 1<sup>st</sup>.

Councilman Morrell reported that he has been working to arrange for a Safe Driver's course to be held in the Town of Sardinia sometime this fall, but has been unable to get a hold of anyone from AARP. He stated that Eric Slocum from Arcade Agency would be willing to put on the program at a cost of \$35.00 per person. Mr. Morrell asked if the Board would like to limit the course to Town residents only, and it was noted that for the last course, residents got preference, and non-residents were allowed in order to fill the class. Councilman Morrell stated there is a limit of no more than 40 people per class, and asked if the Board preferred to run the class for two evenings, or for one day, and stated it is a six hour course. It was felt that two evenings is easier for people to attend. Councilman Montgomery has some AARP contact names, and will try to contact, since that course is less expensive.

Councilman Montgomery reported that the new handicapped accessible doors on this building have now been installed and are being painted. He also stated he is working on the rabies vaccination clinic for the fall, but has not heard back from the veterinarian yet.

Councilman Earl reported that on Friday, she received a nice letter from EMT Krissy Kittleson concerning the recent training drill with pool staff. The Councilman read the letter, in which Ms. Kittleson commended pool staff for their professionalism and care. Ms. Earl stated that it was a very nice and professional training session. Councilman Earl stated that the Friday Night Recreation proposal from Chris Warner is on the agenda for later in the meeting, and will speak on that issue then. She stated that the Youth Board has set a date of October 12<sup>th</sup> for a Rec trip to Ressler's Corn Maize in Arcade. She asked that the purchase of 25 children's tickets and 25 adult tickets be pre-approved for payment in the amount of \$250.00, which is \$2.00 per ticket off regular admission. She stated that residents adults will be asked to pay \$5.00 each, and the Town will be asked to pick up the cost for the kids. **On a motion by Earl, seconded by Montgomery, the Town approved the purchase of the tickets at a cost of \$250.00. Carried, 5 ayes, 0 noes.** Ms. Earl stated that the Summer Rec program is winding down, and the end of the season picnic will be held on August 17<sup>th</sup>. Councilman Earl stated that the Town needs to have a pool lift installed by January 1, 2013 become ADA compliant. She stated that she has contacted two pool companies, Beauty Pools and Watson Pools. She stated that the other companies she has contacted have referred her to Beauty Pools. She stated that on-line, the lifts cost between \$5,000.00 and \$8,000.00 to purchase, but she is hesitant to order on-line, and doesn't believe that includes installation. She stated that the Board does not have to decide anything now, but she is bringing the issue up so that it can be budgeted in the 2013 budget. She also stated that the Youth Board has suggested the possibility of turning the pool office into a unisex

handicapped accessible restroom for ADA compliance, and she feels that the Buildings/Parks caretaker could do the work, which he has roughly estimated at about \$2,000.00 for the hardware only. She stated that the Board will have to decide whether they want to go ahead with the ADA compliance work, and the Supervisor stated she doesn't feel the Town has any choice but to do the work. Attorney Joseph suggested that since it is a Federal mandate, the lifts may be on a State bid list. Councilman Earl reminded that tomorrow is the Rec Department's Fantasy Island trip, and that there will be a Concert in the Park on August 22, sponsored by the Sardinia Republican Committee.

Councilman Miller reported that he had attended the July Erie County Water Quality Committee meeting and received a draft of their newsletter, which will be available at the Conservation building at the Erie County Fair, and includes an item about a project done at the Bockhahn farm on Genesee Rd., for which some funding was obtained by that Committee. He stated he that the Lake Erie Protection Alliance has been meeting with Chautauqua, Cattaraugus and Erie Counties, and he stated he thinks we are getting close to getting funding for some of our projects through that group. Councilman Miller reported that he had also attended the Southtowns Planning and Development Agency meeting. He stated they are working to expand the Scenic By-Ways trail, and both he and Town of Holland Supervisor Kasperszak would like to see the By-Way come down Rt. 16. Mr. Miller also reminded that the Historical Society has a program at 7:00 PM this evening with author Stephan Mansfield speaking on his book "The Mormonization of America", and on August 20<sup>th</sup>, the Kiwanis is having its annual "Pie This Guy" fund raiser to benefit Wings, Flights of Hope, at the Town Park, and pies cost \$25.00 each with all proceeds going to Wings. Mr. Miller stated that he was sorry that the meeting concerning Hutchinson Rd., scheduled for Monday had to be canceled, and stated he felt that the project engineers could have answered any questions, specifically about wetlands, which he stated there are no wetlands in the project.

Highway Superintendent Hopkins reported that his department had been very busy this summer, and have oiled and chip sealed 5 miles of Town roads, and read the list of roads which had been done, which included Fisher Rd., Benton Rd., Mill St., East Schutt Rd., Van Slyke Rd., Sardinia-Curriers Rd., Cross Rd., Wagner Rd., Gasner Rd., Johnson Rd., and the Genesee Rd. Park. He stated he has been in touch with the DEC, which has sent him all his permits for the project to alleviate the West Schutt Rd. water run off, and he will touch base with landowner John Kramer. He stated that Auctions International has completed the auctioning off of the old roller and grader and it is now up to the Board if they want to let the equipment go for those prices. Mr. Hopkins stated that the high bid for the roller is \$1,325.00, and the high bid for the grader, which still runs, is \$5,250.00. When asked if he is satisfied with those bids, Mr. Hopkins stated that he has a scrap price of \$800 for the roller, so he is happy with the bid of \$1,325.00, but felt he could have gotten a little more for the grader. He stated that the bidder is in Ohio and anticipates it will cost \$1,000.00 in shipping. The Highway Superintendent stated he only uses the grader once a year, and can borrow one from a neighboring town when needed, which is why he wanted to sell the grader, which is a 1971. Board members stated they felt the grader is not getting any younger, and the Town still has to pay to maintain the equipment, so the members felt he should accept the bid of \$5,250.00. **On a motion by Montgomery, seconded by Morrell, the Board voted to sell the surplus equipment at the high bids offered. Carried, 5 ayes, 0 noes.** The Highway Superintendent reported that, concerning the Sebзда property bank stablization project, Erie County Soil & Water has received three bids for the project, as follows:

Eastwood Industries, Inc.	\$27,972.00
D & H Excavating, Inc.	\$14,300.00
Michael Sarafini, Inc.	\$12,800.00

Mr. Hopkins stated that the grant is only for \$6,000.00, and the low bid is \$12,800.00, and the Town has to come up with half, therefore it needs \$6,400.00 in in-kind services and material. The Supervisor stated that any shortage could be taken from the Environmental fund budget. Mr. Hopkins stated he lowered the cost of the project by \$1,500.00 by getting the fill and earth material from Gernatt. He stated that he had originally gotten permission for access to the problem area from the Becht's, but due to their septic system location, they decided against using that property. He stated he now has access from the Slippy property and as soon as her lawyer is finished reviewing and he hears from her, the project is a go.

Attorney for the Town Linda Joseph reported that she has assembling the Code for the Town, which can be used by all, and expects to have something for the Town next week. She stated it can be used by the Code Enforcement Officer and the Planning Board and everyone can then have all the current legislation. She stated she is also working with the Code Enforcement Office and the Supervisor's office to make up applications for permits organized and situated in order to make it more convenient for the taxpayers to be able to know how to go through the process. She stated there has been some confusion, and this will provide a step by step so everyone knows how to go through the process. She stated she has also given some assistance to the Planning Board and the Code Enforcement Office, and also some help regarding the Firemen's contract negotiations; and some minor assistance with regards to pool lifts.

Under Public Comment:

Chris Warner of Sardinia stated he would like to volunteer to run a Friday Night Recreation program this fall and winter. Mr. Warner was informed that this item was on the agenda for a vote later in the meeting.

Warrant #8 of 2012, including vouchers #486 through #549, totaling \$72,356.13, of which \$28,154.77 was General Fund expenditure, \$41,778.62 was Highway Fund expenditure, \$1,625.36 was Fire District expenditure, and \$797.38 was Street Lighting, was approved for payment on a motion by Earl, seconded by Montgomery, and carried, 5 ayes, 0 noes.

The Supervisor stated that it is the time of year when some budget lines run short of funds, and that there are several budget transfers necessary. The following resolution, to be known as Resolution #40 of 2012, was moved for adoption by Earl, seconded by Montgomery, as follows:

**RESOLUTION #40 - 2012 - 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>
A1110.200 Justice Equip.	\$524.74	A1110.400 Justice Contractual
A1620.200 Op. of Bldgs. Equip	\$1275.14	A1620.220 Op. of Bldgs Comm

A1660.470 Cent Supp - copier \$118.25  
A7140.220 Playgr/equip SR \$234.10  
DA9030.80 Highway SS \$539.39

A1660.490 Cent Supp Contractual  
A7140.440 Playgr/expense  
DA9030.800 Highway Workers comp.

**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.

Under Unfinished Business:

The Supervisor pointed out that in connection with the septic system here at the Town Hall, she spoke with the engineer doing the perc tests and they are still working on drawing up plans.

Supervisor Hannon stated that there has been an application for a Special Use Permit submitted to the Board by Sean Hager and Renee Adsitt. She stated that the Board had held a Public Hearing earlier and can now vote tonight, or carry it on. She stated that during the hearing, there had been many good comments. She stated she and Councilman Montgomery had gone to the property and saw clean conditions. She stated it is for a business use 6 months out of the year. The Supervisor stated that as far as noise, the house is next to the Conservation Club with all the shooting going on. Councilman Montgomery pointed out that even with the shooting going on, the dogs were not barking. Supervisor Hannon

Stated that the Board received a letter from someone concerned about airborne diseases from dogs coming in, and she stated that the dogs at the property will have to be licensed and therefore, vaccinated, so she does not feel it is a concern. Any modifications were discussed, and the Attorney stated that this permit will be for a commercial use, rather than the personal use requested, but she stated that the Zoning makes provisions for that. The question of who would oversee the kennels was discussed, and it was determined that it would be the Dog Control Officer who is the enforcement agent. The Supervisor stated there had been a question at the hearing about if the Special Use Permit stays with the property or the applicant, and the Attorney stated it stays with the applicant, but also, the permit expires if not used for a year. Councilman Morrell stated that he would like to see a condition written in to the permit that the kennels can be inspected by any qualified person, at any time during operating hours, unannounced. It was briefly discussed, and it was determined that the It was briefly discussed, and it was felt that that the Dog Control Officer or Ag & Markets would have jurisdiction. Mr. Hager was not in favor of such inspections, stating that he travels and didn't feel someone should be able to come in when he is not home. He stated he goes to competitions and takes the dogs with him. Supervisor Hannon stated that if anyone came and the dogs were not there, that there would be nothing to inspect, and didn't feel there would be any problem putting that condition on the permit. Councilman Miller stated he feels it is unacceptable that the dog waste should be just air dried in the field, and asked if Mr. Hager has looked into a septic system for the animals. Mr. Hager stated such a system was too expensive and he has 17 acres of land. He stated that cow and pig and horse droppings air dry in the field, and he will only have 20 or less dogs. No one else felt that this was a problem. Mr. Miller stated he was also disappointed that they built the kennels before approval was given. There were no other concerns to be discussed. **On a motion by Earl, seconded by Montgomery, the Special Use Permit for the 10 dog kennels was approved, with the inspection provision. Upon roll call vote, Earl, aye, Miller, no, Montgomery, aye, Morrell, no, Hannon, aye. The permit was approved, 3 voting aye, and 2 voting no.**

Concerning the Rt. 39 Cemetery Eagle Scout project, the Supervisor stated she has met with Scout Leader Mike Bialecki , who informed that they will be working on finishing the fencing, and then, they would like to have a small ceremony.

Under New Business:

Concerning Chris Warner's offer to oversee a Friday Night Recreation program this fall, at no pay, the Supervisor stated that Mr. Warner has been put on the Youth Board, and she now would like to know how the other Board members felt. Other Board members felt this was a good plan, and the following resolution, to be known as Resolution #41, was then moved for adoption by Earl, seconded by Montgomery:

#### **RESOLUTION #41 - 2012 APPROVAL OF YOUTH BOARD REQUEST**

**WHEREAS**, the Sardinia Youth Board has received a request from Mr. Chris Warner to initiate a Friday night recreation program during the months that school is in session for children ages 6 to 15, and

**WHEREAS**, the Sardinia Youth Board has reviewed this request and approved the activity, along with requesting Mr. Chris Warner status as a Sardinia Youth Board member, and

**BE IT RESOLVED**, the Sardinia Town Board has reviewed this request and approves the Sardinia Youth Board's recommendation to proceed with plans for a Friday night recreation program on a volunteer basis, utilizing our Recreation Director as a contact person to oversee this program for the 2012-2013 school year.

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 authorization for Justice Thompson to attend an education conference in September, in Syracuse. The following resolution, to be known as Resolution #42 of 2012, was moved for adoption by Earl, seconded by Miller:

**RESOLUTION # 42 - 2012**  
**APPROVAL OF JUSTICE THOMPSON'S ATTENDANCE AT**  
**NYS MAGISTRATE ASSOCIATION EDUCATION & CONFERENCE**

**WHEREAS**, the Sardinia Town Board has received a request from Justice Ronald Thompson to attend the annual NYS Magistrate Association Education Conference in Syracuse, New York from September 9 – 12, 2012, at a cost not to exceed \$850.00 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 Justice Ronald Thompson to attend the NYS Magistrate Association Education & Conference from September 9 through 12, 2012 in Syracuse, New York at a cost not to exceed \$850.

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

The Supervisor spoke to the Treasurer of the Fire Company, John Schiener, who was on hand, and asked that he submit the Fire Company Treasurer's report to the Town earlier in the month, stating that the Town had just received it this morning. She stated that it can then be reviewed by Board members, and put on the Town's website before the meeting.

Supervisor Hannon then stated that the Board would be going into Executive Session to discuss the negotiations for the Fire Company contract, as well as a personnel issue. On a motion by Earl, seconded by Morrell, the Board moved into Executive Session at 7:13 PM. Carried, 5 ayes, 0 noes.

On a motion by Montgomery, seconded by Earl, the Board moved back into Regular Session at 8:13 PM, stating that no action had been taken during the Executive Session. Carried, 5 ayes, 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 8:14 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk