

8-8-2013 – 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:

Attorney for the Town Linda Joseph
Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
Approx. 30 guests

The Sardinia Town Board held its Regular Town Board meeting for August on August 8, 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.

The Town Clerk has submitted the minutes of the July 11, 2013 Regular Town Board meeting, and the July 17, 2013 Special Meeting, which were **approved as submitted on a motion by Earl, seconded by Morrell, and carried, 5 ayes, 0 noes.**

The Supervisor noted that she had left the Fire Company's annual Tool Raffle off the agenda, and stated it will be held on September 8th at the Sardinia Fire Hall.

Departmental Report Included:

Supervisor Hannon thanked Councilman Miller for not locking up the computer this month and stated that his mileage voucher was in order. She stated that the Town had received a commendation from Lovell Safety Management for July 1, 2011 through July 1, 2012, for having no Workers Comp claims for that period. She stated that concerning the Parks grant, she and Councilman Earl have been working on getting estimates for a track around Veteran's Park, as well as some exercise stations. She stated she had spoken to Connie Miner, the grant writer, who felt that the Parks grants were going to go to larger projects, such as the Buffalo waterfront, and the Zoo, and asked the Board if they felt it was worth paying the grant writer for a grant we probably will not get. The Board felt it was not worth it, and agreed that the Town should submit an application for a CDBG grant next month for the Park work. Supervisor Hannon thanked Waste Management for the annual Open House on August 1st, and note that the landfill anticipates being open for the next 17 to 20 years. She also stated there is an item that did not get on the agenda, which she e-mailed to Board members, and that was a request from Town Justice Thompson for authorization to attend the NYS Magistrate's Association Conference in Lake Placid on September 10 and 11, with costs to the Town not to exceed \$1,175.00. **On a motion by Earl, seconded by Miller, the Board approved Judge Thompson's attendance at the Conference. Carried, 5 ayes, 0 noes.**

Councilman Morrell had no report this month.

Councilman Montgomery reported that September is National Preparedness month, and the Erie County Emergency Planning Committee is holding an Open House Training Center. He asked if the Board members if they want to hold another free rabies vaccine clinic this year, and stated that he has spoken to Dr. Nancy Pugh, who is available to give the vaccines on October 12. **On a motion by Earl, seconded by Morrell, the Rabies Clinic was scheduled for October 12th at the Highway Garage, and the Board approved advertizing the clinic. Carried, 5 ayes, 0 noes.** The Board also decided on a \$5.00 per vaccination charge for out of Town residents, but felt that this should not be advertised, feeling that there might be a large demand which would possibly cause the vaccine to run out. Mr. Montgomery stated that he received a flier that the Historical Society will be having an event on Monday, August 12 at 7:00 PM, which will feature the Pioneer Community Band playing 1940's and 1950's music.

Councilman Earl congratulated the Chaffee-Sardinia Youth Baseball League, stating that all 4 teams won their Divisional championships again for the second straight year. She stated that on July 20th, the Youth Board hosted a Bike Safety check here at the Town Hall, and thanked Marco's Pizza in Arcade, McDonalds, the Little Red Caboose, and Pizza Hut for donating gift cards and lunch cards for the event. She stated it was well attended but due to a lack of manpower, the Sheriff's Dept. had to cancel. +She stated that there will be an in-service training class for the staff at the pool with the Krissy Kittleson, and the Fire Dept., swim lessons and Rec will end on Friday August 16th with the Rec picnic from 10 AM until 1 PM, and the pool will be closed on September 2nd. Ms. Earl stated she has spoken to Chris Warner, and stated that Friday Night Recreation 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. **On a motion by Hannon, seconded by Montgomery, continuing the Friday Night Recreation program for 2013-2014 was approved, carried 5 ayes, 0 noes.** Councilman Earl also stated that the Chess Club would like to be able to hold a tournament in this building on September 14th rather than their usual weekend, which is Labor Day. **Board members had no objection to that, and the Youth Board also had no problem, and on a motion by Miller, seconded by Montgomery, the Chess Club was given permission to use the building on September 14th. Carried, 5 ayes, 0 noes.** Ms. Earl stated that , going along with the Farm Trail, there are brochures put out by Senator Gallivan's office listing all the farms and farmer's markets in Erie, Wyoming Livingston and Monroe Counties, available in the Clerk's and Supervisor's office, which were free of charge. The Supervisor asked how much the Town paid to become a member of the Southtowns Coalition, and stated it was \$1,000.00. She noted that these were free of charge.

Councilman Miller reported that he attended a planning meeting of the Farm to Table Harvest dinner on July 15th, where they set the tentative price for the fundraiser at \$60.00 per person, and on July 16th, he attended a meeting of the Farm

Trails/Southtowns Enhancement Coalition, where they selected Joe Distiglia as Executive Director and they also worked on a schedule for a Farm Trail tour with Senator Gallivan. Mr. Miller reported that on July 17th, he attended a meeting of the Erie County Water Quality Committee in the absence of our representative, where a plan for grass and shrub planting on Bennett Beach was discussed, as well as the possibility of a trout habitat in the Village of Springville. He stated there was also some discussion about the washout on Rt. 39. Councilman Miller reported that on July 24th, the Southtowns Enhancement Coalition boarded a bus with Senator Gallivan, Legislator Mills, and several of the Supervisors of member Towns, for the Farm Trail tour, which included Hen Hawk Acres in Sardinia, where, since the tour, Senator Gallivan has become a regular customer. He stated that he had another meeting this morning of the Southtowns Enhancement Coalition where they discussed the County Executive's Initiative for Smart Government including his plans for farms and Agri-tourism; they have applied for a grant for a farm museum in Eden, and are still working on finalizing the Harvest dinner.

Highway Superintendent Don Hopkins reported that he and his department have been busy working on the roads, brushing and ditching on Hutchinson Rd., ditched and boxed out the shoulder on Olin rd., with plans to widen it later this year, and will be relaying Van Slyke Rd. in September, with Suit-Kote coming out. He stated that in July we had a Special Meeting to award the bid for the roof project, and H & H Roofing of Holland was awarded the bid. He spoke to H & H and they are in the process of completing the bonding and insurance paperwork. They stated they will be getting the materials in about 3 weeks, and hopefully they will be starting in another week or so. Mr. Hopkins stated he had stopped on Savage Rd. to look at the Dry Creek Bridge replacement project, and they have had some delays. He stated he would be surprised if it reopened by September 1st. He also reported having met with about half a dozen residents from Curriers Rd. and Miller Ave., who are upset that the County is not doing anything along those roads, and he put them in touch with the Aurora Division of Erie County Highway, and the County will be doing some much needed stump removal, tree removal, and mowing, and brush removal, as well as taking out and replacing some guard rails that are just laying on the ground. The Highway Superintendent reported on the Sebзда property wash out on Rt. 39, stating he met with Mark Gaston of Erie County Soil and Water. He stated that the work done is holding, but the original work has been partially pushed out, and went to the west side and washed out a little bit. They are now talking about going down the hill and extending the work 20 feet. He stated the time table last year was a failure, and they did not have time to plant anything, but their problem is they have no viable funding to do anymore work. Mr. Hopkins stated that if they cannot, he feels the Town and possibly even the landowners should step forward to do so, because it is indirectly affecting the Town water table. The Supervisor stated she has a weekly conversation with Mr. Gaston, and he will continue that. Mr. Hopkins says he has been in touch with Gernatt for material, and has asked to borrow trucks from other towns. Councilman Miller stated perhaps we could use the Environmental fund again. It was felt that it should be looked into further at the next meeting. The Highway Superintendent noted that in the Springville Journal it was reported that the Town had entered into a contract with the County for snowplowing. He adamantly stated that there is no such thing. The Town passed a resolution at the July meeting asking for the County to come up with a better contract. He stated the Highway Superintendents have a meeting with the Erie County Legislature on August 20th. Mr. Hopkins stated that as it stands right now, they will not be plowing any County roads this year, unless they get a contract with Erie County.

Attorney for the Town Linda Joseph reported that, concerning the John Schiener lawsuit, they had to put together the record on the case to prove whether or not the Board acted arbitrarily or capriciously when adopting the Mining Overlay District legislation. She stated she also researched the proposed Tax Relief legislation and drafted some wording for the resolution to be considered tonight. She reported that she had done the research because of Councilman Miller's contact with the Association of Towns, who told him the law would not be legal. She stated that the Town's Accountant told us that the amount of money in the Town's reserve fund is at such a level that it is subject to the State Comptroller's Office taking some of the excess money from the Town if some decisions are not made. Attorney Joseph stated she called the Association of Towns and spoke to the lawyer who had spoken to Councilman Miller, and was told that it was not an authority, but rather an absence of authority that he was relying on. She then researched further and found a decision of the Comptroller's office from 1986, #82-14, from West Law Section 31730. She stated that the NYS Comptroller's office is given the authority from Municipal Home Rule Law Section 1285, and it is the opinion of the State Comptroller's office that pursuant to that section, a Town may adopt a Local Law authorizing it to pay claims which are in the determination of the Town Board, just and equitable, even though the Town is not legally bound to pay such claims, and the claimant would have no legal basis for bringing an action to recover on such claim. She then gave case law that explained what just and equitable means, and whether it is a gift or a public benefit, and gave reasons why she feels this legislation is a public benefit, and why it is capped at \$1,500.00. Attorney Joseph stated she also worked on the IDA legislation to allow businesses to apply to neighboring municipal IDA's if there is not one in their Town and drafted a resolution for that; looked at the letter from Justice Thompson concerning constructing a new court; looked at the application of new Fire Company member; and worked on Hutchinson Rd. project that the Planning Board is now trying to move through the process.

Under Public Comments:

John Schiener of West Schutt Rd. stated that regarding the proposal on the table tonight for tax relief, he stated they are not Sardinia taxes, they are school taxes from three independent school districts, at three different rates. He stated it is not "just and equitable" when not everyone will get the same amount, and some will get substantially less. He stated that Verizon, NYSEG, and the other utility companies will get the full amount, while many residents will get much less. Mr. Schiener stated he does not feel this is a good deal for everyone. He stated that, hearing the accountant tonight, and wishes he would have stayed and commented on the Comptroller's office taking the Town's money, but the accountant did say that it will be \$.30 per dollar that the taxpayers would lose that will not go back into the community but rather to the State and Federal taxing authorities. He thinks that "just and equitable" needs to be looked, asked what research the Town Board has done to determine if it is "just and equitable" and if how much the average recipient will receive, how many will receive nothing. He asked just how much research the Board did do before deciding to give all the money away vs. doing something more of a public benefit that will last for years, shows much more vision, and attract and maintain people to the community.

Abstract #8, including vouchers #468 through #535, and totaling \$35,413.71, of which \$17,016.25 is General Fund expenditure; \$17,471.85 was Highway Fund expenditure, and \$925.61 was Lighting District expenditure, was then approved on a motion by Montgomery, seconded by Morrell, and carried 5 ayes, 0 noes.

The Supervisor stated that there is a budget necessary tonight, and the following resolution, to be known as Resolution #51 of 2013, was then moved for adoption on a motion by Earl, seconded by Montgomery:

**RESOLUTION #51 - 2013
APPROVAL OF FUND TRANSFER**

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

TRANSFER FROM	AMOUNT	TRANSFER TO
SF3410.440 Dispatch	\$3090.74	SF3410.480 - Contract
SF3410.440 Dispatch	\$ 716.42	SF3410.491 - Apparatus

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.

The Supervisor apologized to Sue Johnson from Senator Gallivan's office, who is on hand for the meeting, for not acknowledging and introducing her sooner.

In Unfinished Business:

Supervisor Hannon stated the next resolution is to approve the request from the Arcade Express Soccer Club for use of the Park soccer field during the months of September and October. The following resolution, to be known as Resolution #52 of 2013, was moved for adoption on a motion by Earl, seconded by Morrell:

**RESOLUTION #52 - 2013
APPROVAL OF REQUEST FROM ARCADE EXPRESS SOCCER CLUB
FOR USE OF FIELDS DURING FALL OF 2013**

WHEREAS, the Sardinia Town Board has received a request from the Arcade Express Soccer Club to utilize the Sardinia Town Park soccer field for training and games during the months of September and October, 2013; and

WHEREAS, the Sardinia Town Board has referred this request to the Sardinia Youth Board for their review, and

WHEREAS, the Sardinia Town Board has received the recommendation from the Sardinia Youth Board to approve this request, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the request from the Arcade Express Soccer Club for use of the Sardinia Town Park soccer fields for training and games during the months of September and October, 2013.

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

Highway Superintendent Hopkins asked if the Soccer Club was going to be putting in another field, since there is only one field, and wanted to know, for mowing purposes, if they intended to put up more nets. He was told that it was a typo in the agenda, and it was just the one field.

The Supervisor stated that the next resolution is on the tax relief program, TRUST, Tax Relief Under Sardinia Taxes. She stated this is for all Sardinia residents that pay school taxes. She stated that, even with this, the fund balance will be between 35% to 40% of next year's budget, and the money continues on because we get so much from Waste Management and revenues from the County sales tax and mortgagee tax. She stated there is no concern that we will have to pay taxes again soon. She stated it is equal for everyone, and you get back what you pay out. She stated the limit is \$1,500.00, so they don't deplete the fund balance, so if you pay \$500.00 in school taxes, you will only get \$500.00, and if your school tax bill is \$7,000.00, you will only get back \$1,500.00. She stated she and the Board members agree that this is a fair way to give money back to the people without depleting things, with providing for the future, with giving opportunities to people to have a shot in the arm for some of the economy problems. She stated that in the survey results, most people said they have trouble making ends meet, not being able to make repairs on their homes, not being able to expand, not being able to do the extras. She feels that if we have the opportunity to do something for the residents, this is the way to do it, and yes it includes businesses, too, but that's part of it, our businesses need to survive here. She stated that if anyone is that far against it, she advises not to send in the application if you don't want the money. She stated there will still be money, and the next administration can make the decision on how to spend the money. The Supervisor asked if there were any other comments on the proposed law. Councilman Miller stated he would like to read an e-mail from the legal counsel to Senator Gallivan. The e-mail stated that before a tax rebate could be issued to the Town residents, the State would need to pass legislation which authorizes the Town to issue the reimbursement, and a bill that addressed a similar situation in a town in Cayuga County was attached. The e-mail also stated that, about the concern that the State would take the surplus funds, in consultation with the Senate Majority Local Government Counsel, they were unable to find any provision that would authorize the State to simply take the excess funds, and if the Town's Attorney is aware of any such provision, please inform him and he will take a closer look. Mr. Miller stated he feels that feeling that with conflicting legal opinions, the

Board needs to determine if this is the appropriate way to do it. He stated he feels it is being done too fast and without enough information. Attorney Joseph stated she has researched the law, as she stated before, and the Town has authority to do this under the Municipal Home Rule law section that she stated before. She stated that it is up to the Town Board to determine whether to go forward or not, it is not for her to decide. Councilman Montgomery asked Senator Gallivan's representative if the Senator is against reducing taxes. She stated he was not, and Mr. Montgomery stated neither is he. He stated if you don't want the money, don't take it, and if you feel the Town needs it more than you do, give it back. He stated he feels it is a win-win situation. The following resolution, to be known as Resolution #53 of 2013, was then moved for adoption on a motion by Montgomery, seconded by Earl:

RESOLUTION #53 – 2013

APPROVAL OF PROPOSED AMENDMENT OF TOWN CODE TO AMEND CHAPTER 99 TO ADD A NEW ARTICLE IV, SECTIONS 99-12, 99-13, 99-14, 99-15, 99-16, 99-17 AND 99-18

WHEREAS, substantial data has already been collected through the efforts of the Town Supervisor, Town Tax Assessor, the Town Attorney and the Town's Accountant and the Town Supervisor has sent a letter dated July 1, 2013 to the citizens enclosing a survey and requesting further input by August 1, 2013 regarding the proposed amendment of the Town Code to provide tax relief to the property owners in the Town of Sardinia; and

WHEREAS, the Town of Sardinia receives the vast majority of its revenues from tipping fees paid by Waste Management under a municipal host agreement and these fees have enabled the Town—by taking appropriate steps to ensure financial responsibility for its other expenses—to eliminate the Town portion of property taxes and to build up a general reserve fund of approximately \$2.5 Million and additional contractual commitments were obtained through negotiations conducted by the Town Supervisor and approved by the Town Board in 2013 to ensure the continuation of these revenues well into the future; and

WHEREAS, the Town's accountant has informed the Town that the New York State Comptroller has expressed concern that the General Reserve Fund exceeds the limits permitted by law; and

WHEREAS, the data and information gathered to date indicate that it would be possible to provide a one-time tax relief totaling \$2,000,000 collectively to property owners in the Town of Sardinia and still retain a reserve of approximately \$500,000 which will be more than sufficient, particularly given the annual income in tipping fees and the average annual spending of \$1.5 Million by the Town as reflected in recent budgets set during the past four years to provide an adequate reserve and at the same time preserve the elimination of Town portion of property taxes; and

WHEREAS, the data and information collected to date indicate that the utilization of an appropriate portion (consisting of approximately \$2 Million) of the Town's general reserve fund which now totals approximately \$2.5 Million for a one-year tax relief program will benefit the Town and constitute a "public purpose" by benefiting a number of public needs including attracting and retaining family farms, young families, businesses and seniors and providing an economic stimulus to the local economy; and

WHEREAS, the Town Board has determined that it is in the public interest to hold a public hearing to obtain input from the Town residents and taxpayers as to an Amendment to the Town Code to add a new Article IV to Chapter 99 for the purpose of establishing a Tax Relief Program for 2013, and has held one on this date, August 8, 2013 at 6:00 p.m., and

WHEREAS, the Town has the authority, as recognized in New York State Comptroller Opinion 2008-3 (reported in Opinions State Comptroller 2008 No. 2008-3, 2008 West Law 4445786 (N.Y. St. Cptr.)) and the opinion of the New York State Appellate Division, Fourth Department, in *City of Rochester v. Chiarella*, 98 A.D. 2d 181 (1983) aff'd 63 N.Y. 2d 857, 482 N.Y.S. 2d 270 (New York Court of Appeals), to enact legislation to amend the Town Code to provide for the proposed tax relief program pursuant to New York State Town Law Municipal Home Rule Law, Section 10 (1) (ii) (a) (5) based upon a determination that the proposed tax relief program which will pay claims to citizens upon application is "just and equitable"—which is a determination to be made by the Town Board based on the facts and circumstances; and

WHEREAS, in taking into consideration all the facts and circumstances and information collected to date in connection with evaluation of this proposed tax relief, including without limitation the information presented at the August 8, 2013 public hearing, information provided by the Town's accountants and other professional advisors and the information gathered by survey of the citizens of the Town, the Town Board has determined that the proposed tax relief program by amendment to the Town Code is just and equitable and will confer numerous public benefits upon the Town of Sardinia by reducing the tax burden for 2013 upon businesses, farms and qualified individuals, including enhancing commerce and small business, enhancing and retaining the agriculture business of the community and the family-owned farms and will retain and attract young families and seniors.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby determines that the proposed tax relief program by amendment to the Town Code is just and equitable and will confer numerous public benefits upon the Town of Sardinia referenced in the preceding Whereas Clauses and the Town Board hereby further approves the proposed amendment to the Town of Sardinia's Town Code to add a new Chapter IV to Article 99 with the following proposed sections which are proposed to establish a Tax Relief Program for the 2013:

§ 99-12. Title.

This Local Law shall be known and cited as the Town Relief Under Sardinia Taxes" law or "TRUST."

§ 99-13. Qualification for Tax Relief Provided For One Year.

- A. Tax Relief shall be provided for a single year, anticipated to be 2013, on Real Property situated within the bounds of the Town of Sardinia, Erie County, New York, owned by one or more persons and provided further that for purposes of qualification each business and/or household shall receive only one tax rebate so that those businesses or households holding more than one parcel may choose the particular parcel on which to base their tax rebate. The amount of the tax relief to be provided to each such business and/or household shall be up to 100% of the school tax levy paid on the parcel but not to

exceed a total tax rebate for each such parcel of \$1,500.00 as the maximum amount.

- B. In addition to the qualifications set forth in paragraph § 99-13 A, the title of the property must be vested in the owner or all of the owners of the property, pursuant to the requirements of Section 467 of the New York State Real Property Tax Law prior to the date of making application for the Tax Relief.

§ 99-14. Application for Tax Relief.

An application for such the real property Tax Relief must be submitted by the owner or owners of the property to the Town Supervisor's Office within 30 days after the due date for payment of the school taxes and thereafter, before a check will be issued, there must be submitted proof of timely payment of the total school tax levied. An application form shall be provided by the Town Supervisor. A failure to submit a timely application or failure to pay the school tax on a timely basis shall be an irrevocable waiver and disqualification for this Tax Relief payment.

§ 99-15. Expiration.

This law shall expire upon the payment of the one-time Tax Relief payment to all qualified tax payers, unless renewed by Town Board, in its sole discretion, and upon a finding of adequate funding in future years.

§ 99-16. Separability.

Should any section, paragraph, clause or phrase of this Local Law be declared unconstitutional or unjust for any reason by a court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

§ 99-17. Inconsistency.

The tax relief provided hereunder is in addition to any other tax relief and/or exemption to which the property owner or owners are entitled.

§ 99-18. Effective date.

This Local Law shall take effect immediately.

Upon roll call vote, Earl, aye, Miller, no, Montgomery, aye, Morrell, aye, Hannon, aye. So Resolved, 4 ayes, 1 no. The Supervisor stated they will be working on a letter and application to send out to the residents. Councilman Miller asked, if the law is found to be illegal, who is responsible for paying the money back? The Supervisor stated that is Mr. Miller's opinion that it may not be legal, and she would rather go with the attorney's opinion.

Supervisor Hannon stated that, concerning Mike and Julie Juliano's request for reduced speed signs, the State DOT has set a speed limit of 45 mph for that road.

Under New Business:

The Supervisor stated that the next resolution is for approval of appointment of a new member of the Fire Company, Town resident Gerard Whittington. The following resolution, to be known as Resolution #54 of 2013, was then moved for adoption by Earl, seconded by Morrell:

**RESOLUTION #54 - 2013
APPROVAL OF APPOINTMENT FOR
MEMORIAL VOLUNTEER FIRE COMPANY OF
CHAFFEE-SARDINIA, NY, INC.**

WHEREAS, the Sardinia Town Board has received a request and an application for review to approve the appointment of Gerard J. Whittington, a Sardinia resident, as a member of the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc.; and

WHEREAS, after careful review of Gerard Whittington's application, the Town Board of Sardinia has approved this request, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the request for Gerard Whittington Jr. to serve as a member of the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Morrell, aye, Hannon, aye. So Resolved, 5 ayes, 0 noes.

Supervisor Hannon stated that the next resolution is the IDA proposal, and she asked Senator Gallivan's representative Sue Johnson to explain a little bit about it. Ms. Johnson stated that Senator Gallivan introduced the bill so that those businesses can have the opportunity to apply to a neighboring IDA even if their own town does not have an IDA, such as Sardinia. The following resolution, to be known as Resolution #55 of 2013, was moved for adoption by Montgomery, seconded by Earl:

RESOLUTION #55 - 2013

RESOLUTION TO FACILITATE ACCESS TO IDA PROGRAMS FOR THE CITIZENS OF THE TOWN OF SARDINIA

WHEREAS, New York State Legislators Patrick Gallivan and Dennis Gabryszak have introduced legislation in both houses of the New York State Legislature that would allow every Town in Erie County without access to an IDA to access the IDA program of neighboring Towns; and

WHEREAS, the Town of Sardinia has no IDA program and this legislation could make it possible for citizens of the Town to access the IDA program of the neighboring Town of Concord or other neighboring towns having such programs, thereby benefiting the citizens of the Town of Sardinia; and

WHEREAS, New York State Legislators Patrick Gallivan and Dennis Gabryszak have stated that for this legislation to go into effect it is necessary that the Town of Sardinia fill out the Home Rule Request Form transmitted to the Town by New York State Legislators Patrick Gallivan and Dennis Gabryszak.

NOW, THEREFORE, BE IT RESOLVED, that the Town Superintendent is hereby authorized by the Town Board to fill out the Home Rule Request Form transmitted to the Town by New York State Legislators Patrick Gallivan and Dennis Gabryszak and return it to them so that, if enacted, the legislation permitting citizens of the Town of Sardinia to access the IDA programs of other neighboring towns having such programs can go into effect.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Morrell, aye, Hannon, aye. So Resolved, 5 ayes, 0 noes.

The Supervisor stated the next resolution is to approve for the Senior trip. The following resolution, to be known as Resolution #56 of 2013 was then moved for adoption on a motion by Miller, seconded by Earl:

**RESOLUTION #56 - 2013
APPROVAL FOR SENIOR TRIP**

WHEREAS, the Sardinia Town Board has reviewed the proposed trip for the Sardinia Seniors to Geneseo, New York through Horizons Club Tours, and

WHEREAS, the Sardinia Seniors has presented this proposal at a cost not to exceed \$4000, and

WHEREAS, the Sardinia Seniors has funds in their budget line to cover this expense, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the Senior Trip to Geneseo, New York through Horizons Club Tours at a cost not to exceed \$4000.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Morrell, aye, Hannon, aye. So Resolved, 5 ayes, 0 noes.

The Supervisor stated that the next resolution comes after a complaint from a Town resident who was involved in an accident at the intersection of Rt. 240 and Genesee Rd. in the Town of Concord, where there have been numerous accidents, and even though the intersection is not in the Town of Sardinia, she thinks that we need to get on the band wagon and requests a traffic study be done because of the amount of traffic there that comes from the Town of Sardinia. The following resolution, to be known as Resolution #57 of 2013 was then moved for adoption by Earl, seconded by Morrell:

**RESOLUTION #57 - 2013
REQUEST FOR A TRAFFIC STUDY AT THE INTERSECTION OF ROUTE 240 AND GENESEE ROAD IN THE TOWN OF CONCORD**

WHEREAS, Rte. 240 and Genesee Roads are both County of Erie Highways; and

WHEREAS, that area of the Town of Concord has seen two very serious traffic accidents in the last two weeks alone, including one accident involving a Town of Sardinia resident; and

WHEREAS, as there have been other accidents at that intersection, and the Town of Sardinia has received many concerns from Town residents who have been involved in near accidents at that location; and

WHEREAS the Erie County Highway Department maintains a maintenance garage on Sibley Rd. and the East Concord Fire Department's facility is located on the corner of Genesee Rd and Rte 240, thus helping to create a significant volume of large vehicle traffic; and

WHEREAS, the opening of the Concord Crest Golf Course a few years ago as well as a general increase in traffic from residents of Concord and Sardinia who utilize Genesee Rd. and Rte. 240 on their way to and from work; and

WHEREAS, school buses from the Springville Griffith Institute also utilize those routes in their daily runs; and

WHEREAS, the Town of Concord recognizes the fact that the County has done a previous traffic study on this intersection but the County's efforts to improve the situation have not delivered the hoped for results; and

THEREFORE, BE IT RESOLVED, the Sardinia Town Board requests that a new traffic study be undertaken by Erie County, and that the County of Erie take whatever steps deemed necessary to increase the safety of those utilizing this intersection by utilizing the installation of traffic control devices, increased signage, or a possible round-about and furthermore, this study be undertaken in an expeditious manner.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Morrell, aye, Hannon, aye. So Resolved, 5 ayes, 0 noes.

Supervisor Hannon stated that the next resolution is for the JCAP grant and noted that this was something that was done 2 years ago and at that time, the amount of the grant was \$30,000.00. She stated she spoke to the Judge about this and he explained that the grant had come down a bit, to \$26,000.00 because of the money they have received and the improvements they have already made. The following resolution, to be known as Resolution #58 of 2013, was then moved for adoption by Earl, seconded by Miller:

**RESOLUTION #58 - 2013
AUTHORIZATION FOR COURT DIVISION
TO APPLY FOR GRANT FROM JCAP**

WHEREAS, the Sardinia Town Justice department has requested to apply for a grant in the amount of \$26,000 from the JCAP; and

WHEREAS, the Sardinia Town Board has recognized the need for a new courtroom to comply with any safety issues that have been cited; and

WHEREAS, after determining that it is, indeed, possible to renovate the upstairs office areas for a new courtroom facility under the amount of the grant requested, it is hereby approved for the court division to apply for the \$26,000 grant in anticipation of the noted renovation; and

WHEREAS, the Sardinia Town Board makes note that any funds for this project will be spent through the State funds first and the Town fund's seconded, if needed, and

THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the Court division to apply for the JCAP grant in the amount of \$26,000 in order to renovate the upstairs area for a new court room facility, and should this grant be denied, the Town of Sardinia has the right to rescind our application.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Morrell, aye, Hannon, aye. So Resolved, 5 ayes, 0 noes.

The Supervisor stated that the Town is in receipt of Memorial Volunteer Fire Company of Chaffee-Sardinia, NY Reports as follows: minutes of June, 2013 Fire meeting; and Treasurers Report of June, 2013.

There being no further business to come before the Board, on a motion by Earl, seconded by Montgomery, the meeting was adjourned at 7:19 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk