

**12-12-2013 – REGULAR BOARD MEETING**

Present:

Councilman Cheryl L. Earl  
Councilman David L. Montgomery  
Councilman Douglas J. Morrell

Absent:

Councilman Daniel L. Miller  
Supervisor Mary L. Hannon

Also Present:

Highway Superintendent Donald Hopkins  
Town Clerk Betsy A. Marsh  
Approx. 15 guests

The Sardinia Town Board held its Regular Town Board meeting for December on December 12, 2013 at the Sardinia Town Hall/Community Center. Deputy Supervisor David Montgomery called the meeting to order at 6:30 PM, with the Pledge to the Flag and a moment of silence, especially remembering the family of Town Historian Leo McCarthy, who has passed away.

**The Town Clerk has submitted the minutes of the November 14, 2013 Regular Town Board meeting, and the Deputy Town Clerk has submitted the minutes of the November 7, 2013 Public Hearing on the 2014 Preliminary Budget, both of which were approved as submitted on a motion by Morrell, seconded by Earl, and carried, 3 ayes, 2 absent, 0 noes.**

Deputy Supervisor Montgomery stated the Highway Superintendent will be opening the bids for the ¾ ton pickup truck. Mr. Hopkins then opened the bids, which were as follows:

Emerling Dodge, Springville, NY	2014 Dodge	\$30,678.00
Martin Bros. Chevy, Arcade, NY	2013 Chevy	\$34,537.87
West Herr Ford,	2014 F250 Ford	\$27,905.00
DeLacy Ford	2014 F350 Ford	\$30,207.69
Johnson Boys Chevy, Springville, NY	2014 Chevy Silverado 2500	\$31,289.11
Basil Chevrolet	2014 Chevy Silverado 2500	\$31,488.00

Mr. Hopkins stated it was his recommendation that the Town not award the bid until a later meeting, perhaps the Year End meeting, so that he can review the bids to see if all is in order. Mr. Montgomery stated that there will be no End of the Year Meeting. On a motion by Earl, seconded by Morrell, it was decided to schedule a Special Emergency Meeting to award the bids on December 19, 2013 at 11:30 AM at the Town Hall. Carried, 3 ayes, 2 absent, 0 noes.

Departmental Report Included:

Councilman Morrell stated he had no report this month.

Councilman Earl expressed her deepest condolences to the McCarthy family. She stated he will be irreplaceable as Town Historian. She then thanked Judge Sharlene Vossler for her 16 years of service on the bench. Councilman Earl stated she has resubmitted the CDGB grant application.

Councilman Montgomery reported that he attended the Erie County Water Quality meeting and received a copy of the Draft Lake Erie Watershed Municipal Survey Report, and will leave it with the Town Clerk for anyone interested in reviewing it. He stated that members of the Water Quality Committee also met with Senator Mark Grisanti in Albany and are looking for grant money in the amount of \$250,000.00. He explained that the Finger Lakes region had been getting grant money, which has now been freed up because their projects have been mostly completed.

Highway Superintendent Donald Hopkins stated that the Shared Services Agreement is later on in the agenda, and he will speak to that when it comes up. He stated that since they have been plowing a lot at night, he has found many streetlight outages, and he will get them to the Clerk for reporting. Mr. Hopkins stated he has received a letter that they hit a mailbox and was accused of doing it on purpose. He stated that they do not do it on purpose, and do replace them. He also reminded that it is against the law to plow snow into the road, and suggested we should run an ad to that effect, since he has had to inform several residents of that law. Mr. Hopkins stated they do not hit garbage cans on purpose, either, and asked that people keep the totes in their driveway to avoid having them hit by the plows.

The Deputy Supervisor stated that the Attorney for the Town is absent tonight but has sent along a written report, which he then read. The report stated she is out of Town on a family vacation, briefly reported on her activities for the month, and stated she has enjoyed being the Attorney for Sardinia, and would like to continue, if the new Supervisor so chooses. The report will be attached as part of the minutes.

Under Public Comments:

John Schiener of West Schutt Rd. stated he that he feels that the money given away would have better served to heat the gym and perhaps add a sound system so that the audience at these meetings can hear the Board members. He also stated that the Town should look into developing its own website, rather than using the County's, since there is such a lag time in getting items on the site, and the agendas do not always get on before the meetings. Mr. Schiener suggested that if the Town does run an ad reminding people of the law not allowing pushing snow in the roadway, that

they include an ad reminding people of the law that they must have house numbers posted visibly in front of their homes.

Town Justice Ron Thompson stated he has just returned from a seminar on Veteran’s Court and gave a brief report on that process. He then asked for a Proclamation to make December 31<sup>st</sup>, 2013 Town Justice Sharlene Vossler Day in the Town of Sardinia due to the fact hat she is retiring after 16 years on the bench. Regarding the upcoming agenda item to approve execution of the STOP DWI contract with Erie County, he explained to anyone that may not know that, under the contract, the County pays the Town \$10.00 for each DWI case heard in Town Court. Mr. Thompson then thanked the Highway Superintendent for keeping the parking lot plowed for court proceedings. **On a motion by Earl, seconded by Morrell, the Town Board proclaimed December 31, 2013 “Town Justice Sharlene Vossler Day” in the Town of Sardinia. Carried, 3 ayes, 2 absent, 0 noes.**

Under Approval of the Bills:

Abstract #12, including vouchers #745 through #811, and totaling \$113,370.60, of which \$41,646.06 was General Fund expenditure; \$66,330.43 was Highway Fund expenditure; \$999.03 was Lighting District expenditure; and \$4,395.08 was Fire District expenditure. **Abstract #12 was approved for payment on a motion by Earl, seconded by Morrell, and carried, 3 ayes, 2 absent, 0 noes.**

The Deputy Supervisor stated there was also a budget transfer needed, and the following resolution, to be known as Resolution #69 of 2013, was moved for adoption on a motion by Earl, seconded by Morrell:

**RESOLUTION #69 - 2013  
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>
DA5110.430	\$10,976.21	DA5110.440

**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, absent, Montgomery, aye, Morrell, aye, Hannon, absent. So resolved.**

In Unfinished Business:

The Deputy Supervisor read a report on the TRUST Program. The report stated there have been 973 participants, and to date, \$1,166,318.50 has been paid out. The report stated that there are still a couple of checks that haven’t been sent out as yet, and therefore, the final totals will be reported at the next Regular meeting. Bookkeeper Beverly Gambino was asked how much of the Town’s surplus fund balance is still left, and she stated the fund balance is \$2.7 million after the payouts.

Mr. Montgomery stated that, as to the status of the Rt. 39 speed limit reduction and the Van Slyke Rd. and Rt. 39 intersection blind curve issue, the Town is now waiting to hear back from the State DOT.

The Deputy Supervisor stated that the next resolution is the Shared Services Agreement for the Highway Department. Highway Superintendent Hopkins stated that this Agreement is very important because his department helps other departments, and other departments help our Highway Department when extra help is needed, saving the Towns thousands of dollars. He stated this has always been done under the Mutual Aid Agreement, but it has since been discovered that is not legal, and the Shared Services Agreement will make it legal and take care of the liability issues. He stated that his only other concern is that, because of the Town’s location, they also share services with Towns in Cattaraugus and Wyoming Counties, which this agreement does not address. Mr. Hopkins stated he would like to approach those Towns and try to work out other agreements with them so that this Shared Services practice can continue. The resolution approving the Shared Service Agreement for Erie County, to be known as Resolution #70 of 2013 was then moved for adoption on a motion by Earl, seconded by Morrell:

**RESOLUTION #70 - 2013  
APPROVAL OF TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION OF ERIE COUNTY, INC INTER-MUNICIPAL  
HIGHWAY SHARED SERVICES AGREEMENT**

**WHEREAS**, the Sardinia Town Board has received an agreement which was prepared by the Town Highway Superintendents Association of Erie County, Inc. in which includes an Inter-Municipal Highway Shared Services Agreement, and

**WHEREAS**, the Sardinia Town Board has reviewed this Agreement and approves the content to wit: the Highway Superintendent of the Town of Sardinia has the authority to enter in any shared service arrangement with any other municipality or other municipalities subject to terms and conditions outlined in the Agreement; and

**WHEREAS**, Linda Joseph, Esq., attorney for the Town, has reviewed this contract and has approved the content, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board approves the Agreement prepared by the Town Highway Superintendents Association of Erie County, Inc. Inter-Municipal Highway Shared Services and authorizes Supervisor Mary Hannon to sign and enter into this agreement, which will be valid for five years.

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

Deputy Supervisor Montgomery stated that the next resolution is for approval of execution of the Stop-DWI contract between the Town and Erie County, as already explained earlier by Justice Thompson. On a motion by Earl, seconded by Morrell, Resolution #71 of 2013 was moved for adoption, as follows:

**RESOLUTION #71 - 2013  
APPROVAL OF ERIE COUNTY DEPARTMENT OF CENTRAL POLICE SERVICES ERIE COUNTY STOP-DWI ,  
AND THE TOWN OF SARDINIA ANNUAL MEMORANDUM OF UNDERSTANDING**

**WHEREAS**, the Sardinia Town Board has received a copy of the annual Memorandum of Understanding between the Town of Sardinia and the EC Department of Central Police Services and the Erie County STOP-DWI office; and

**WHEREAS**, the Town of Sardinia will receive \$10 for each DWI statistic that is reported to the EC STOP-DWI office for the year 2013; and

**WHEREAS**, Linda Joseph, attorney for the Town, has approved the content of this agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board has reviewed and approved this Memorandum of Understanding between the Town of Sardinia, the EC Department of Central Police Services, and the EC STOP-DWI office, and authorizes Supervisor Mary Hannon to enter into and sign this agreement.

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

Mr. Montgomery stated that letters have been received from Ardent Resources regarding cancellation of oil and gas leases for 2 Sardinia properties. Upon brief discussion, Mr. Montgomery stated he had not seen the letters and it was not clear as to the properties or the reason, and therefore, more will be forthcoming at the January 2014 meeting.

Supervisor-Elect Beverly Gambino has notified she would like to change the previously scheduled date of the 2014 Organizational meeting, and the Regular Town Board meeting for January 2014 because she will be attending training for newly elected officials the previous week, January 9<sup>th</sup>, which would have been the date of the second Thursday of the month. She stated she would like to hold the Organizational Meeting for 2014 on January 16, 2014 at 6:15 PM, and the Regular Town Board Meeting for January 2014 on January 16, 2014 at 6:30 PM. **On a motion by Earl, seconded by Morrell, the two meetings were scheduled for those dates and times. Carried, with Earl voting aye, Miller, absent, Montgomery voting aye, Morrell, voting aye, Hannon, absent.**

**There being no further business to come before the Board, on a motion by Earl, seconded by Morrell, the meeting was adjourned at 7:00 PM. Carried, 3 ayes, 2 absent, 0 noes.**

Respectfully Submitted,

Town Clerk

**NOTE TO BOARD MEMBERS CONCERNING THE DECEMBER 19, 2013 SPECIAL EMERGENCY MEETING,  
SCHEDULED AT THE December 12, 2013 REGULAR MEETING**

Councilman Earl, Councilman Morrell, Highway Superintendent Hopkins, and Town Clerk Marsh met at 11:30 AM for the Special Emergency meeting to award the bid for the Highway Department's ¾ ton pickup. At 11:40 AM, there was no one else in attendance, and due to the lack of a quorum, by consensus of those in attendance, the meeting was cancelled.

