

1-10-2012 – 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
Town Clerk Betsy A. Marsh
Approx. 45 guests

The Sardinia Town Board held its Regular Town Board meeting for January on January 10, 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 Supervisor stated that the first order of business was approval of the bills, and on a motion by Earl, seconded by Morrell, Abstract #14 of 2012, containing vouchers #905 through #935, totaling \$13,111.95, of which \$4,895.81 was General Fund expenditures, \$5,429.88 was Highway fund expenditures, \$1,684.44 was Fire Protection District expenditure, and \$1,101.82 was Streetlighting District expenditure, was approved for payment. Carried, 5 ayes, 0 noes.

Supervisor Hannon noted that there is another abstract, this one being Abstract #1 of 2013, including vouchers #1 through #12, totaling \$63,529.08, all General Fund expenditures. On a motion by Earl, seconded by Montgomery, Abstract #1 of 2013 was approved for payment. Carried, 5 ayes, 0 noes.

Departmental Reports included:

Supervisor Hannon reported that:

She met with the a representative of Community Bank, and there is no raise in the interest rates anticipated; She set up a meeting with Time Warner for the 21st and will now reschedule due to the holiday; She and Councilman Earl interviewed for the open positions; and after a complaint of smoking in the building, had the lock changed on the door to the office upstairs, and moved the computer down to the conference room.

Councilman Morrell stated that he has information on HEAP, and will let Councilman Montgomery report on that.

Councilman Montgomery reported that he is still working on the abandoned property issue Legislator Mills' will be getting back to him. Mr. Montgomery stated that HEAP will be here on January 31st from 8 AM until 5 PM, taking applications, and Food For All will also be here on that day, from 9 AM until 1 PM. He stated the County will be taking care of all the advertisement.

Councilman Earl reported that she met the Youth Board last Thursday, who discussed the Town wide Garage Sale, which has been scheduled for July 12, 13, & 14, and the registration cost will again be \$10.00. She stated the Rec Dept. would like to have a group outing to Colden Tubing again this year, and they would like approval for the purchase of 40 tickets, at a cost of \$360.00, and each Town resident will pay \$4.50 per ticket. **On a motion by Earl, seconded by Montgomery, the purchase of 40 tickets to Colden Tubing, at a cost of \$360.00, was approved. Carried, 5 ayes, 0 noes.** Councilman Earl reported that the Youth Board has also set a tentative date of June 22, 2013 for the pool opening, and the Rec and lessons program will start after the Carnival. She also informed that the Rec Dept. wants to continue the Saturday swim lessons at the pool, if the Board gives approval. **On a motion by Earl, seconded by Morrell, the Board approved continuing Saturday swim lessons during this summer's pool season. Carried, 5 ayes, 0 noes.** Concerning the ADA approved pool lift, Councilman Earl stated that Beauty Pools has finally gotten back to her with a quote, and she stated that the lift, installation of the lift equipment, cover and battery would cost \$5,160.00. She stated the Town needs to just sign the paper and send it back, along with a check for 50% of the cost, and they will install and train the staff, they are in Lancaster and can come out if there is a problem. She stated that the other quotes were from the internet and the Town would have to do its own installation and training on use of the lift. The Supervisor stated that a resolution for action on the lift is later on in the agenda. Councilman Earl stated she had attended the Southtowns Community Enhancement Coalition meeting with Councilman Miller, and will be attending the meetings in his absence. She stated we have to gather a list of businesses and farms and ag businesses to be able to get ads and to be placed on the ag trail, and asked if someone wants to included in that to give her a call, otherwise she will just include those businesses she knows of, and anyone who wants their upcoming events to be included on the community calendar should also contact her.

Councilman Miller reported that there is an Erie County Water Quality meeting on January 16th. He stated that Councilman Earl has agreed to attend the Southtowns Enhancement Coalition meetings in his absence. He asked whatever happened to the rezoning application from the Hutchinson Road townhouses, and stated no one seems to know where that stands. Mr. Miller asked who has the room key for Room 200, and was told that the lock had been changed due to a complaint of smoking upstairs. He asked if any of the other Councilmen have keys and was told they do not. He asked if any other Councilman uses that room, and Councilman Earl stated she would like to but can't get in to the room. The Supervisor stated that one other Councilman uses the room, but does not have a key. She stated that the computer has been moved to the conference room, and he can use it there. Mr. Miller stated he has personal effects in the room

and would like a key. Councilman Miller stated that according to Municipal Law, the Supervisor can't arbitrarily change a lock without Town Board approval. **The Supervisor asked the other Town Board members if they had a problem with the lock being changed on that room, and on a motion by Earl, seconded by Montgomery, the Board approved the changing of the lock on Room 200. Carried, with Earl, Montgomery, Morrell, and Hannon voting aye, and Miller voting no.** Mr. Miller asked who has use the room, and was told the Planning Board and Zoning Board of Appeals. He stated he would like a key. The Supervisor stated until she knows who is smoking in the building, no one will be using it and it will be monitored. Councilman Miller stated he will be out of Town on vacation from January 18th through March 12th. Supervisor Hannon asked about response for the Lake Erie Watershed Committee survey. Mr. Miller stated that is not due until March. The Supervisor stated she and Councilman Montgomery will handle that.

Councilman Earl reported that the Springville Control Center is still in need of dispatchers, and told anyone interested to feel free to apply. She then, in response to an article in the Arcade Herald about the Fire Department contract, read a letter from the Fire Company in which they canceled a contract negotiations meeting and asked that further negotiations be scheduled for after the first of the year. She stated that the December 27th public hearing on the Fire Contract was canceled due to the fact that there was no agreed contract, and that is the only reason, because they received that letter.

Councilman Montgomery stated that there is an elected officials workshop on January 15 at the Cheektowaga Fire Training Center to familiarize participants with NIMS. He stated he had passed on a copy to the Fire Chief, also. He asked if any one interested in attending, please let him know.

Highway Superintendent Hopkins apologized that he forgot last month to mention the free chipping of Christmas trees for residents, and stated that if anyone had a tree to be chipped, they can bring it to the Highway Barn, or leave it at the road and they will pick up. Mr. Hopkins stated he has the 284 form from the State, which is the Agreement to Expend Town Highway Funds. He stated he will pass it down the table, and it needs to be signed by Board members, and then be placed on file in the Town Clerk's office. Mr. Hopkins then discussed the Highway Garage roof, and stated that, after going through the paperwork, he feels we will need to bid the project with prevailing wage rates. He stated he also would like to see the Town hire an engineer to prepare the specs, the Town would put the project out for bid, and then have the engineer review the bids for compliance. He then discussed the project. He stated he has spoken to an inspector who likes the system design and application, and Mr. Hopkins stated he is also the inspector that inspected the Chaffee Water Works and is the Town Engineer for the Town of Alden. The Supervisor asked if he had a cost for the engineer, and Mr. Hopkins stated he does not. Attorney Joseph stated that the specs should be written so as not to exclude any bidders. The Highway Superintendent stated we need a minimum of three contractors as long as they are bidding the same thing. He stated he would like to have the engineer come and speak to the Board, and stated he has been told the roof system would cost anywhere between \$51,000 and \$63,000, and he suggested asking for a performance bond, a bid bond, and a materials bond. Councilman Morrell asked what the cost would be to put on a whole new roof. Mr. Hopkins stated that is a good question, and stated that the roof system he has looked at would have a 25 year guarantee and add insulation. He stated that the current roof is 22 years old. The Supervisor stated she would like to see the cost of an engineer and the Board agreed he should be asked to come to the next meeting.

Attorney for the Town Linda Joseph reported on the Firemen's negotiations status. She stated that when the Town found out that the Fire Company was not interested in the option of a new fire hall, she prepared a draft agreement, substantially giving the Fire Company all the things they had initially asked for. She stated the Town was concerned because they wanted to get a contract in place before the end of the year, and stated that New York State Law does not allow for an indefinite rollover of a contract. She stated that is because of budgetary reasons. Attorney Joseph stated that we wanted to have a contract with the Fire Company by the end of the year, and had scheduled it, but received the letter from the Fire Company asking to wait until after the first of the year. She stated she feels we should be able to reach a contract since there are only a few minor issues still open, including the rollover provision, which she stated is a concern because that particular language is void for illegality within NY State statutes. She stated that the other big issue that she knows of is the paying of messaging to Springville Control. She stated they had asked for a report as to if other communities are paying for messaging through the call center, and got no response on that. Ms. Joseph stated that hopefully we will get a new date. She stated that after the December 21st letter went out, she saw at least 2 e-mails asking for a new date, and we don't have one yet. She stated that the problem with having the public hearing was that, without a draft contract, we couldn't have the hearing. She stated that she feels everyone, the Board and the Firemen, want to get a new contract in place, and it is just a matter of getting a few more things ironed out. She stated it was unfortunate that we couldn't get one in place by the end of the year, but sometimes you just need to take some time to get people to come to an agreement. Attorney Joseph stated she doesn't think the parties are that far apart, and we should be able to get it resolved. Concerning the Mining Overlay District, she wanted to report on her follow up. She stated she wrote a letter to Maria Whyte from the County, who had notice for over 60 days but never responded or objected until 2 days before the public hearing date, and then asked for an extension, that the Town had passed the legislation. She stated she explained to her that the reason was not only that the County's request was untimely, but also because this did not need to be considered under the Farm Plan because the Town has a 1acre for 1acre replacement of farm land in the legislation. Ms. Joseph stated there has still been no change in the status of the reason the County had asked for the extension and it is still pending in the County Legislature. Attorney Joseph then reported on the status of the Hutchinson Rd. project, stating that we have been working very hard to get it through the Planning Committee and before the Board so that decisions can be made. She stated that the problem is not with the Town, but with the DEC, who has a number of different requirements that have to be met. Ms. Joseph stated that all through this process, they have been trying to assist the developer in getting the information before the DEC so it can brought before the Planning Committee, and then the Town Board. Attorney Joseph stated that as recently as just last month, the Town learned that the DEC had basically rejected the septic system arrangements that had been proposed by the project manager and was taking the position that the septic had to be a different type of system that had to be regulated by the DEC, not the Health Department. She stated that the Town has to honor the DEC and the law, and it is not being restricted by time requirement, but by DEC requirements and is a complex project. She stated that we are trying to move that forward and trying to assist the developer through the process, but also must balance with the interests of the surrounding residents with respect to water issues and things of that sort. The Supervisor asked if the Attorney knew anything about the rezoning request that Councilman Miller had asked about earlier. Mr. Miller stated it had come in November and had gone to Gene Degman. Attorney Joseph stated she had not seen it, nor had the Supervisor. The attorney stated this is one of the problems,

communications with E & M Engineer. Mr. Miller stated he felt it was an internal problem. Planning Board chairman Hill stated the Planning Board has copies of it. But he was under the impression that it needs to get through the Planning Board before they can rezone. Ms. Joseph stated that the engineers are not doing a good job of getting what needs to be done at the DEC level so that the Planning Committee can then go forward. Discussion was held on procedure, with Chairman Hill stating he thought it needed to go through the Planning Board before rezoning. Mr. Miller felt they could not approve the Site Plan until the property is zoned properly. Attorney Joseph felt it would be helpful to have a copy of the rezoning application, and stated that the DEC is looking at the project very closely. Chairman Hill stated that the Planning Board had an extra meeting to review the application. Supervisor Hannon stated this is costing the Town a lot of money. Attorney Joseph stated she feels it is important for the citizens to know that the Town is not trying to stall anything, there are just legal requirements and the DEC requirements. She stated we are trying to help the developer get it through the DEC process so it can be moved forward. The Supervisor stated there is no validity to the statement that the Town is stalling. Attorney Joseph stated that even if it were rezoned, the project could still not go forward until the DEC is satisfied.

Under Public Comments:

Michael Hannon of Pratham Rd. stated he feels the Town should stop spending money to investigate and plan out and help people get plans for projects that are not organized. He stated if he wanted to build townhouses on his property he would not expect the Town to do the plan and spend all this money on legal and have all these Planning Board and Zoning Board meetings and waste all this Town money. He stated he feels there should be tighter control as to who can come through and what you have to have before they'll hear anything here in the Town. He stated this Hutchinson Rd. project has gotten out of hand. He also stated he was very disappointed that a new fire hall was ruled out because he believes that living on the west side of Town, with all the new houses and all the people living over there, they do not have adequate fire protection on that end of Town or even in the middle of Town. He stated he was thinking that it would be nice to have a new updated Fire hall that we could all appreciate and use and have a bunch of services going on that we don't have right now, but that is not what the people in power in the Fire Company want, but he still believes that that would help the Town and have everyone have ambulance coverage. He stated that right now if they have a problem on Pratham Rd. or Matteson Corners Rd., their ambulance coverage comes from Rural Metro, who gets there before any coverage comes from here. He stated he would like to see that coverage improved and feels there will be problems there in the near future, and stated there are a lot of properties that are not protected at this time.

The Town Clerk has submitted the minutes of the December 13, 2012 Public Hearing on the Mining Overlay District and the December 13, 2012 Regular Board Meeting. The Supervisor had two comments. She asked for a correction on the number of signatures on the petition submitted at the end of the Public Hearing, stating that the minutes stated there were 60 signatures, and she counted 23. The Clerk stated she had taken the number from the tape recorded statement of the person submitting the petition and would count the signatures and correct the minutes if different. The Supervisor also stated there was no mention in the minutes of the Regular meeting of the comment made back to her concerning the comment made on the exit poll that the Fire Company would not come to her house if needed. The Clerk stated she would listen to the tape again, but will have to wait until she gets it back, since the Supervisor has requested a copy of the tape, and it is currently being reproduced. She stated there were many comments being shouted all at the same time at that point, and it was hard to make out. She also explained that she does the best she can in such difficult situations and that by law, the minutes are hers to decide on, and by law do not have to be approved by the Board, but she asks the Board to do so as a courtesy. On a motion by Earl, seconded by Morrell, the Board approved the minutes with those corrections. Carried, 5 ayes, 0 noes.

Under New Business:

Supervisor Hannon stated that the next resolution is to approve the bid and purchase of the ADA approved pool lift. The following resolution, to be known as Resolution #2 of 2013, was moved for adoption on a motion by Montgomery, seconded by Earl:

**RESOLUTION #2 - 2013
APPROVAL OF ADA LIFT FOR TOWN POOL**

WHEREAS, the Sardinia Town Board has reviewed the bids for the ADA lift for the Town Pool which is necessary to make the Town of Sardinia compliant with the Federal ADA Act, and

WHEREAS, the Sardinia Town Board hereby approves Beauty Pools as the supplier of the ADA lift for the Town Pool at the price of \$5,160.00, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves Beauty Pools as the supplier of the ADA lift for the Town Pool at the price of \$5,160.00.

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

The Supervisor stated that the next resolution is to retain the accounting firm of Drescher & Malecki as auditor and accounting consultant for the Town. The following resolution, to be known as Resolution #3 of 2013 was then moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #3 - 2013
APPROVAL FOR AUDITOR AND ACCOUNTANT CONSULTANT**

WHEREAS, the Sardinia Town Budget includes funds for the Town to retain Drescher & Malecki LLP as our auditor to prepare a review of the 2012 expenditures and finances of the town at a cost not to exceed \$10,500 and assist in consultation for the year 2013 in accounting at a cost of \$75.00 per hour, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the firm of Drescher and Malecki LLP to perform the 2012 audit and report back to the Town Board at a cost not to exceed \$10,500.00 and to perform 2013 accounting assistance at a cost of \$75 per hour.

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

Supervisor Hannon stated that this year, the Court and the Town Clerk will be audited by Drescher & Malecki, and asked for a resolution to approve those audits. The following resolution, to be known as Resolution #4 of 2013 was moved for adoption on a motion by Earl, seconded by Morrell:

**RESOLUTION #4 - 2013
AUDIT ON COURT AND TOWN CLERK DEPARTMENTS FOR 2012**

WHEREAS, the Sardinia Town Board recognizes the need for periodic review and audit of departments within the Town, and

WHEREAS, it is necessary to complete these audits in order to be compliant with the State of New York, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board authorizes our accounting firm, Drescher & Malecki to perform audits on the Town Clerk and Town Court departments for the year 2012 at a cost not to exceed \$3000, and

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

Supervisor Hannon stated that the Town Board has received an application from Dawn Place of South Protection Rd. for a Special Use Permit for a not-for-profit Cat Rescue Shelter. Ms. Place gave a brief presentation and stated she will be constructing a building on her property on Rt. 16 near Dutchtown Rd. She stated there are no residences near the Rt. 16 property, and she will be leasing it to the not-for-profit corporation "A Place for Cats, Inc." She stated she has gone to the Planning Board, who have given a recommendation that the Special Use Permit be granted with a maximum of 40 cats on the property, which she feels is fair, and she understands the stipulation that the Special Use Permit shall not run with the land, and upon sale or transfer of title to the premises, the permit shall expire. Supervisor Hannon stated that she feels the Board should hold the Public Hearing for the Special Use Permit on February 14, 2013 at 5:45 PM. Board members agreed.

The Supervisor stated that she would like to hold discussion on waiving the Special Use permit fee for Non-Profit entities. She stated that the Town has charged Non-Profit organizations in the past, but feels it would be fair to waive that fee. No one had an issue with that. She also stated that the Town currently has no fee for gravel mines in the Town, and stated that the Town of Concord charges \$200.00 annually for such permits. **On a motion by Montgomery, seconded by Earl, the Town Board approved the waiving of Special Use Permit fees for any not-for profit organizations, and added a \$200.00 annual fee for Gravel mines within the Town. Carried, 5 ayes, 0 noes.**

Supervisor Hannon stated that the Town Board has received a Special Use Permit application from Waste Management for its proposed "Valley Fill Landfill Expansion." She then introduced Waste Management's Senior District Manager, Tom Lewis, to explain the proposed project. Mr. Lewis introduced Operations Manager Jeremy Metzger and Andrew Nichols of McMann & Mann, the Engineer on the project. Mr. Lewis explained that the reason they need to obtain this permit now is because there is construction that needs to be done before they can construct their next cell at the landfill. He stated that before the Public Hearing, he will schedule an informational meeting for the public at the landfill facility, and he would be willing to sit down with Board members. Mr. Nichols explained that there are currently two landfills, the old closed original landfill on 53.9 acres, and the new landfill on 72 acres. This Valley Fill construction will fill the space between the two landfills to make one and will be about 13.7 acres between the two existing landfills. He explained the history of the site and the 360 permitting process. Mr. Nichols explained the liner systems, gas collection systems, and the pond systems. He stated that the maximum height of the Valley Fill will be 1658 feet, and will create one hill. The Supervisor asked Mr. Lewis if he has a date for the informational meeting and stated it will be at the end of January or the first week in February, but will be before the Public Hearing. The Supervisor then set the Public Hearing date on the Waste Management Special Use Permit for February 14, 2013, at 6 PM.

The Supervisor stated that the Board had never officially approved the Firemen's 2011 points for the LOSAP, and there was a discrepancy for one individual. **She stated this was taken care of, the Fire Company provided an updated points list, and on a motion by Miller, seconded by Earl, the Board approved the Firemen's point schedule for 2011. Carried, 5 ayes, 0 noes.** Supervisor Hannon stated that the Board has not received a completed points list for 2012, and stated that the same individual came into the Company late, but should be included on the list. She stated that when the completed list for 2012, they can then approve that.

The Supervisor stated that the Fire Company has requested use of the Park for its annual Carnival, and stated she doesn't feel that it was fair to approve the request without a contract, the Board should approve and asked that action on the request be tabled until the February meeting, and stated that hopefully by then there will be a contract with the Fire Company.. On a motion by Earl, seconded by Montgomery, the matter was tabled until the February 14, 2013 meeting. Carried, 5 ayes, 0 noes.

The Supervisor stated there was no need to have an Executive Session, and there being no further business to come before the Board, on a motion by Montgomery, seconded by Earl, the meeting was adjourned at 7:43 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk