

7-12-2012 – 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. 15 guests

The Sardinia Town Board held its Regular Town Board meeting for June on July 12, 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 in memory of former Town Clerk Patricia Gill, who served the Town as Clerk for 20 years, from 1960 through 1980.

The Town Clerk has submitted the minutes of the June 14, 2012 Regular Board Meeting, which were approved as written on a motion by Montgomery, seconded by Earl, and carried, 5 ayes, 0 noes.

Departmental Reports included:

Supervisor Hannon reported that:

- The Town has received a Certificate of Achievement from Lovell Safety Management for having no workman's compensation claims this year.
- She met with Senator Patrick Gallivan yesterday and his representative Mitchell Martin will be attending the Town's August Board meeting to address any questions or problems anyone may have.
- She stated that this year, the Chaffee-Sardinia Youth Baseball teams all won their championship games, making it a clean sweep for Chaffee-Sardinia, and she congratulated all involved.
- She is looking toward the upcoming Town Budget process, and stated that the contract between the Fire Co. and the Town will expire at the end of this year. She stated that she and Councilman Earl will work on negotiations with the Fire Company, and would also like to have some members of the public involved.
- She noted that Springville Journal reporter Ann Magnan was on hand this evening, and noted that Ms. Magnan is leaving the Journal. She thanked the reporter for her interest and fairness when reporting on the Town.

Councilman Morrell reported that he would like to arrange for a Safe Driver's course to be held in the Town of Sardinia sometime this fall. Councilman Montgomery has some contact names, and will work on it with him. Supervisor Hannon thanked him for his good work on the elevator maintenance contract.

Councilman Montgomery reported that he received a call from Legislator Mills' office, informing that they are still working on the abandoned property issue. Supervisor Hannon stated she had spoken recently with Hub Frawley of the Town of Evans, who has been working with the Erie County Land Bank, and stated it might be of help to the Town in the future. Councilman Montgomery stated that the Building Caretakers have completed upgrades to the lights on the outside of this building. Mr. Montgomery stated he had met with the Pastor of the Hope on the Hill Church on Savage Rd. He stated they have offered their shelter for use as an emergency shelter, in the event of a disaster. He stated that in order for Erie County to approve it as an emergency shelter, it would need some upgrades, including installing a generator. Councilman Montgomery stated that the new doors for the building will be here tomorrow. He also asked if there is any interest in holding a rabies vaccination clinic in the fall, and all agreed that it is a great service. He stated he would set one up.

Councilman Earl stated that all four of the Chaffee-Sardinia Little League teams took 1st place in their divisions. She reported that the Townwide Garage Sales start tomorrow and maps are available in the front of the Town Hall. She also informed that there will be a Concert in the Park on August 22, sponsored by the Sardinia Republican Committee, and invited any non-profit organization to have a refreshment stand, to contact her. She noted that S.A.S.I. has submitted a new proposed schedule for when they would like to use the building, and it will be voted on later in the agenda. She stated she would like approval for a bus for the Fantasy Island Rec Dept. field trip on August 10th, and stated that she has received three bids, and the most inexpensive is First Student at \$300.00. On a motion by Earl, seconded by Miller, the use of the bus was approved, at a cost of \$300.00. Carried, 5 ayes, 0 noes. She also asked that the purchase of tickets for the field trip to Fantasy Island be approved at a cost of \$1319.45 because the trip is the day after the August Board meeting. She Earl noted that people attending will be charged \$7.00 per person, and the total cost to the Town for the first 90 tickets will be \$582.45, but the check needs to be for the full amount of the tickets, or \$1,319.45. On a motion by Earl, seconded by Morrell, \$1,319.45 for the purchase of the tickets for Fantasy Island was approved. Carried, 5 ayes, 0 noes. Councilman. Ms. Earl stated that the Fire Company conducted a joint training session with the pool staff and gave a special shout-out to Krissy Kittles on, Deb Smith, and Lew Hulton from the Fire Company. She also informed they would be at Rec tomorrow with some of the fire equipment. Councilman Earl stated that Highway Superintendent Hopkins could not attend this evening, but wanted her to inform the Board that he has all the materials lined up for the Sebзда property wash-out repair project, which has been arranged through Gernatt Asphalt Products for approximately \$1,400 to \$1,500 under the original estimated cost. Councilman Earl stated that the pool is very busy this year due to the heat, averaging 80 to 100 swimmers per day. She also stated that there was vandalism at the Genesee Rd. Park, stating that a tree that

was damaged at the carnival and was already rotted out anyway was set on fire, and the damage could have been worse, since it is between the gazebo and the handicapped swing. The Highway Superintendent will be reminded to remove the tree. Councilman Earl stated that there are about 115 children signed up for swim lessons, 9 for the new Saturday lessons program, and 60 to 70 attending Rec.

Councilman Miller reported that he has gotten 3 quotes for the Pet Stations and he would like to purchase one for each Park. He stated that the lowest cost is \$180.00 per unit, which includes the post, the dispenser, and the bags. On a motion by Miller, seconded by Earl, the Board approved the purchase of the pet stations at a cost of \$180.00 each, for a total cost of \$360.00. Carried, 5 ayes, 0 noes. Mr. Miller also stated he would like the Town to purchase a platform hand truck for the building. He stated it could be used to move boxes into the vault, for the Senior Citizens to move their food collection items to the third floor, and many other items. He stated he has found a heavy duty one that costs \$119.92. Councilman Earl asked if it would fit into the elevator, and he assured that it would. On a motion by Miller, seconded by Montgomery, the Board gave approval for the hand cart purchase at a cost of \$119.92, after it is assured that it will fit in the elevator, otherwise he is to go with the smaller one. Carried, 5 ayes, 0 noes. Mr. Miller stated he would be attending the Erie County Water Quality Committee meeting next week, and had met with Jennifer Hibit, aide to County Executive Poloncarcz, and was told to contact them if the Town needs anything. He reminded everyone to get out and enjoy the Townwide Garage Sales this weekend, and asked that everyone get out and support the Methodist Church and Historical Society, who are selling refreshments.

Attorney for the Town Linda Joseph reported that she has been organizing a chart to coordinate the Code Enforcement Officer and the Planning Board to make sure everyone knows the deadlines, and the duties and so forth. She stated she has also given some assistance to the Planning Board regarding the Special Use Permit which is further in the agenda. Ms. Joseph stated she has also looked at some issues relating to the LOSAP; and provided some documentation requested by Waste Management in connection with their tax appeal.

There were no Public Comments.

Warrant #7 of 2012, including vouchers #426 through #485, totaling \$44,888.99, of which \$18,630.98 was General Fund expenditure, \$23,745.09 was Highway Fund expenditure, \$1,625.35 was Fire District expenditure, and \$887.57 was Street Lighting, was approved for payment on a motion by Earl, seconded by Miller, and carried, 5 ayes, 0 noes.

Under Unfinished Business:

The Supervisor pointed out that in connection with the septic system here at the Town Hall, there are holes dug out back due to readying for a percolation test. She stated that it had been put off until baseball season was over.

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

Supervisor Hannon stated that there has been an application for a Special Use Permit submitted to the Board by Sean Hager and Renee Adsitt. The Planning Board has reviewed the Site Plan and has approved it, and the Town Board can now hold a Public Hearing on the Special Use Permit. A Public Hearing was then scheduled on the matter for August 9, 2012, at 6:15 PM, immediately preceding the August Board meeting.

Under New Business:

Supervisor Hannon stated that the Town Board has a proposed Local Law for which a Public Hearing was held earlier this evening. She stated that the Planning Board has approved the Site Plan Review of the matter, and that the application will be put on the Town's website. The Supervisor changed 2 portions of proposed law to clarify procedure. She then asked for a resolution to adopt the proposed Local Law. The following resolution, to be known as Resolution #38 of 2012, was then moved for adoption by Earl, seconded by Morrell:

TOWN OF SARDINIA
LOCAL LAW 2 - 2012
AMENDMENT OF TOWN CODE TO ADD
A NEW SECTION : UNSAFE OR DANGEROUS STRUCTURES

WHEREAS, the Town Code currently does not provide the Town Code Enforcement Officer with the authority to order and carryout the repairs and/or demolition of unsafe and dangerous buildings and structures; and,

WHEREAS, the Town has determined that the current remedies available to the Town to address unsafe building and structures are inadequate:

NOW THEREFORE BE IT RESOLVED, pursuant to the authority granted the Town Board under Section 130 (16) of the Town Law, that the Town Code of the Town of Sardinia, be, and the same hereby is amended by adding a new section ___, as follows:

____.1 Declaration of Purpose:

Abandoned and neglected properties can pose a safety hazard to the public. The purpose of this provision is to set forth the procedures by which the Town can ensure that unsafe building and structures are either repaired or demolished by the owner of the property on which they are located, and in the event that the owner fails to do so, for the Town to remove said building and structures and to recover its expenses.

____.2. Inspection

Whenever it appears to the Code Enforcement Officer that a building or structure is so deteriorated or

damaged, by any cause, and that the building or structure has become, or is in danger or becoming, dangerous or unsafe to the public, the Code Enforcement Officer shall cause said building or structure to be inspected. The Code Enforcement Officer, may request, if appropriate, that the Town Board authorize him/her to retain the services of a qualified engineer to assist the Code Enforcement Officer in determining whether the structure is unsafe and what action should be taken to make the building or structure sound, and/or whether the building or structure should be removed and/or demolished.

_____.3. Report

If the Code Enforcement Officer finds that the condition of the building or structure is such that it is dangerous or unsafe to the public, he/she shall file a report with the Town Board stating his conclusions and recommendations as to the actions required to be taken to either make the building or structure safe and sound, or that the building or structure should be removed and/or demolished. Such report shall set forth the facts supporting the Code Enforcement Officer's conclusions and recommendations.

_____.4. Service of Notice

- (a) The Town Board, upon receipt of a Report from the Code Enforcement Officer shall cause a notice to be served on the owner or some one of the owner's executors, legal representative, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representative, agents, lessees, or any other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register.
- (b) If service of the notice is by registered mail, a copy of said notice shall be posted on the premises.

_____.5. Contents of Notice

The notice provided for in Section _____.4 A and B shall contain the following:

- (a) A description of the premises.
- (b) A statement of the particulars in which the building or structure is unsafe or dangerous.
- (c) An order requiring the same to be made safe and secure or removed and a statement that the work required may be commenced immediately and when it shall be completed.
- (d) A statement that the Town Board will hold a hearing at a specified time and place, to determine if the Town shall repair, or otherwise make safe and secure, or remove the building or structure and fill any excavation in connection therewith, if the order is not obeyed and for the assessment of all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the costs of actually removing said building or structure, against the land on which said building or structures are located.

_____.6. Filing of Notice, Effective Period, Vacation

A copy of the notice shall be filed in the Erie County Clerk's office. The County Clerk shall file the notice in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules. When filed, the notice shall have the same effect as a notice of pendency, except as otherwise provided in this Section. The notice shall be effective for a period of one year from the filing date, unless earlier vacated by order of a judge or justice of a court of record or upon the consent of the Town Attorney, as authorized by the Town Board. Upon the filing of an order or consent vacating the notice, the County Clerk shall mark the notice and any record or docket thereof as cancelled of record.

_____.7. Hearing

There shall be a hearing before the Town Board, notice of which and the time and place thereof to be specified in the notice to repair or demolish.

_____.8 Removal of Structure

Following the hearing, the Town Board shall provide for the removal of any building or structure which the Town Board determines to be unsafe, or take whatever other action the town Board deems appropriate in its sole discretion, in the event that the owner fails or refuses to repair or remove the same within the time provided.

_____.9 Assessment of Costs

The Town Board may assess all the costs and expenses incurred by the Town in connection with the proceedings to remove or secure a danger or unsafe building or structure, or other action take it deems appropriate, including without limitation, the costs of actually removing said building or structure, against the land on which said building or structure is located.

_____.10. Action to Abate Immediate Hazards

If, as a result of the inspection required under Section 2, the Code Enforcement Officer determines that the condition found dangerous or unsafe constitutes an immediate hazard to persons or property, he/she may take any or all of the following actions:

- (a) Order the building, or structure involved, vacated in which event it shall not thereafter be occupied until a new certificate of occupancy has been issued as provide in the Zoning Ordinance and Building Code;
- (b) Close any street or sidewalk abutting the land involved or with the area of immediate peril;
- (c) Erect or cause to be erected temporary barricades, warning devices or other temporary enclosures or structures; and/or

- (d) Take such other action as he/she may deem necessary for the protection of person and other property from the risk of immediate injury.

____. 11 Severability

Should any section or provision of this chapter be or be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the chapter as a whole or any part thereof other than said invalid or unconstitutional part.

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

The Supervisor stated that the Senior Citizens have approached for funding of another trip, with a cost not to exceed \$3,500.00. The following resolution, to be known as Resolution #39 of 2012, was moved for adoption by Montgomery, seconded by Morrell:

RESOLUTION #39 – 2012

APPROVAL OF CHAFFEE-SARDINIA SENIOR TRIP

WHEREAS, the Sardinia Town Board has received and reviewed the future trip of the Chaffee Sardinia Seniors for September 6, 2012 to the Medina Stone Farm, and

WHEREAS, the Chaffee Sardinia Seniors has requested an amount not to exceed \$3500 for this trip from the Town – an amount that is within their budget, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the request of the Chaffee Sardinia Seniors to attend September 6 2012 event with a cost not to exceed \$3500.

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

Supervisor Hannon stated that S.A.S.I. has sent a proposed schedule of dates when they would like to use the building for their Respite program. She stated that there seem to be no conflicts with anything previously scheduled, and on a motion by Earl, seconded by Montgomery, the use of the building on those dates was approved. Carried, 5 ayes, 0 noes.

The Town has received a request for the use of the building by an individual, but the Supervisor suggested the matter be tabled for now since there is a discrepancy with the date, and further information is needed.

The Supervisor spoke to the Treasurer of the Fire Company, John Schiener, who was on hand, and stated she noticed that in the Fire Company's May financial report, the Fundraising Revenue section does not add up correctly. She stated it is already on the Town's website, and asked him to check into it.

There being no further business to come before the Board, on a motion by Earl, seconded by Montgomery, the meeting was adjourned at 6:53 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk