

3-14-2013 – REGULAR BOARD MEETING

Present:

Councilman Cheryl L. Earl
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
Highway Superintendent Donald W. Hopkins
Approx. 40 guests

The Sardinia Town Board held its Regular Town Board meeting for March on March 14, 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 February 14, 2013 Public Hearing on a Special Use Permit for "A Place for Cats", the February 14, 2013 Public Hearing on Waste Management's proposed "Valley Fill", and the February 14, 2013 Regular meeting. Those minutes were approved as submitted on a motion by Montgomery, seconded by Morrell, and carried, 4 ayes, 1 abstention, 0 noes. Councilman Miller stated he abstained because he was absent from those meetings.

Supervisor Hannon then stated that the next order of business was a report from Tom Malecki of Drescher & Malecki, the Town's auditing firm, on the annual audit of Town departments, conducted in January. Mr. Malecki passed out hand outs, and then stated the firm's responsibilities as independent auditors, including communicating to the Town Board any changes in accounting policies or procedures, or any other problems or difficulties with any of the departments they were auditing, and he stated there were none of those during this audit. He then went into the financial statements. Mr. Malecki stated that the Town can expect \$1.5 or \$1.6 million dollars in expenditures in 2013, and stated that the Town actually spent less in 2012 than in 2011, and stated that the Town is doing a pretty good job of managing its spending patterns. He then gave the fund balances, which is the money the Town has available, in the 3 main funds. He stated that the Fire District had a negative fund balance at one time due to contributions to the LOSAP program, but anticipates that the negative balance will be gone for 2013. He stated that this is really the only glitch in the Town's financial statements, and when you look at the other fund balances, they will more than offset any situation the Town may have in the Fire Protection. He stated that the Highway fund has grown to \$1,074,000, and one of the comments they will make in the statement to management is that the Town will have to identify, generically, where this money will be used, perhaps for future tax stabilization or capital improvements, for example. He stated that the General Fund fund balance is \$2,871,000, and he stated that the revenue stream is in a great place. Mr. Malecki stated that improvements over last year included more segregation of duties in the Supervisor's office, and implementation of policies. He also stated that their cost to the Town has decreased by about \$10,000.00 due to improvements to the accounting procedures. He stated that current year observations include the need for long term planning, and recommended that the Town make a 5 or 10 year plan, including getting an idea of when the landfill revenue stream will stop. He also suggested that the Town compile a listing of capital assets and their values for inclusion in the financial statements. There were no questions, and Mr. Malecki stated the Town is doing a good job.

Departmental Reports included:

Supervisor Hannon reported that Town audits had been performed of the Supervisor, Justices, and Town Clerk/Tax Collector, and then the State Comptroller's office came in and performed a Risk Assessment of the Town departments. She stated she is unsure if we will get a formal report on that or not. She stated she attended the Rural Transit Van meeting and stated they are desperately in need of volunteer drivers, and if anyone would be interested and needs more information, they can contact Jim Montgomery, Dave Montgomery, or Dan Miller, all of whom are drivers for that program. The Supervisor stated she had also attended the Southtowns Meals on Wheels meeting and they are having some financial woes, and looking at tightening budgets and better ways to finance that program. She stated they are also in need of volunteers drivers to deliver meals. Interested volunteers can contact any Board member, or the Town Clerk's office.

Councilman Morrell reported that he negotiated with Dog Control Officer Duane DeGolier on the new Shelter Agreement. He stated that Mr. DeGolier has always done a good job, and no one would disagree. He stated he also, along with Supervisor Hannon, met with Tom Lewis of Waste Management concerning the Host Municipal Agreement between the Town and Waste Management, and they are still working on that.

Councilman Montgomery reported that the HEAP program ends tomorrow for heating assistance, but the cooling and air conditioning assistance will continue on throughout the summer. He stated that the winterization and repair program will also go on throughout the summer, and anyone needing assistance should contact HEAP.

Councilman Earl reported that the Colden Tubing tickets are all sold out. She stated she has been working with Heather from Linda Joseph's office on the Child Protection Law, concerning anyone who works with children or around children, and stated they will have policies and procedures for the next meeting. She stated that Friday Night Recreation had asked for hockey nets, and they were at the Town Park, and have now been brought back here. Councilman Earl stated that the Chaffee-Sardinia Youth Baseball League has asked for permission to use the gym for practices during inclement weather, and the matter was discussed, with the Supervisor noting that the Town has a contract with them which would cover them, and as long as the gym is not being used, she sees no problem, and asked for approval from the Board. **A motion was made by Morrell, seconded by Montgomery, to approve the request from the Youth Baseball League**

to use the gym for practices when needed. Carried, 5 ayes, 0 noes. Councilman Earl also reported that the Girl Scouts are once again looking for ideas for community service projects, so if anyone has ideas, please contact her and she can pass them on. She stated that last year they stained the split rail fence at the Park. She stated that there was a mention of the baseball diamond at the Genesee Rd. Park being re-worked to specs for use as a Youth Baseball B-Team field. Baseline lengths and other changes to the field were briefly discussed and two coaches from the league who were in the audience were asked what they would prefer. The League President stated he would rather upgrade the field in the back of this building. Highway Superintendent Hopkins stated he plans on working on the field out back, and would like to meet with the League representatives for input. The Supervisor stated she thinks new bleachers would be good, also. Councilman Earl stated she will ask for new bleachers. **On a motion by Earl, seconded by Montgomery, the Board approved redoing the baseball field at Veterans Park, and making improvements to the Town Hall Little League diamond. Carried, 5 ayes, 0 noes.** Councilman Earl stated she also worked on the negotiations with the Fire Company, and stated she had brought along some paperwork they had wanted to see and was going to give it to John Schiener, who is not in attendance, so she will e-mail it to them.

Councilman Miller thanked Councilman Earl for attending the Southtowns Community Enhancement Farmland Trails meeting while he was gone, and thanked Councilman Montgomery for attending the Erie County Water Quality Committee meeting. He stated he did receive the tributary rankings, and the Cazenovia and the Cattaraugus are both ranked high, and the Hosmer and Dry Creek were ranked low to medium. Mr. Miller stated that the Chaffee-Sardinia Kiwanis will be having a pancake breakfast at the Sardinia Fire Hall on Sunday, and the Historical Society will have a program with Mike Randall on April 8th.

Highway Superintendent Hopkins reported that he will get together with the Youth Baseball coaches about the re-working of the ball fields, and he stated he is also concerned with the new soccer field, stating that the nets are a quite heavy and may not be as moveable as first thought. He felt there may be a problem with both sports using the fields. Mr. Hopkins stated he would like to meet with the soccer coordinator and a Councilman or two. Mr. Hopkins reported that he has met with engineer Mike Metzger concerning the roof on the Highway Garage, and Mr. Metzger was finally able to get up on the roof, and he will be here at the April meeting to discuss the project. Mr. Hopkins stated he has received a letter from Erie County and stated they plan on releasing the bids for the Dry Creek Bridge on March 28th at 10 AM. He also reported that he has received a letter from Z & M Ag & Turf informing that the warranty on the John Deere mower will expire on April 24th of this year. He stated that the mower is now 5 years old. He asked the Board if they would like him to update the mower, or just update the warranty. Mr. Hopkins stated that he got good news concerning the clutch on the Peterbilt truck. The insurance company has determined that the problems were caused by a previous 2010 accident, only cost the Town \$570.00, and is paid in full. Supervisor Hannon asked Mr. Hopkins to bring in the information on the mower so that the Board can review before the next meeting, and discuss the matter at that time.

Attorney for the Town Linda Joseph reported that her office has been working with Councilman Earl on the Child Protection Law; she researched a signage issue that had come up at the last meeting, and after speaking with the Code Enforcement Officer, determined that although it does not comply with the Zoning, the owner of the property was granted a variance, but the variance limited the signage to businesses at the Business Park, so although the sign can remain, it must comply with the limitations. Attorney Joseph stated she also reviewed the Dog Shelter lease agreement, gave some advice concerning the Waste Management Host Municipality Agreement, addressed some environmental issues that came up with the Planning Committee, reviewed the contract with the Youth Baseball League, and worked on the law concerning Code Enforcement duties that will be addressed later on in the agenda. She also reported that she participated as Attorney for the Town in the Firemen's contract negotiations, and stated they have been going on for a long time now, and feels that the public has a right to know what has happened. She stated she has prepared a written report outlining what happened at the last negotiation session, stating that the results were disappointing and there is no proposed new contract for a Public Hearing. She stated that her report also recapped the history of the negotiations. [The full report is attached to these minutes.] The Attorney's report stated that there were only three minor issues to be resolved, which were the \$6,000.00 fee charged by Springville Control for the messaging service, delivery dates of the contract payments to the Fire Company, and reporting provisions needed for the Town Board to approve pension fund contributions. The report states that the Town's negotiating committee of Supervisor Hannon, Councilman Earl, and Keith Ramsey, with the assistance of the Attorney for the Town, agreed to accept the Fire Company's language for the last two items, but there was no willingness from the Fire Company's committee to concede on the messaging service issue, even though the Supervisor suggested that each party pay 50% of the \$6,000.00 cost. It also states that the Firemen's committee became agitated, threatened to dissolve the Fire Company, and walked out of the negotiations. The report also states that, due to the lack of a new contract, the old contract rolls over, and the Firemen will actually receive approximately \$16,697.74 less than if there was a new contract. Attorney Joseph stated that this does not need to happen, and hopes that the Firemen will come back to the table.

Under Public Comments:

Peter Sorgi, attorney for Gernatt Asphalt spoke on and submitted a letter stating that, with regard to the proposed amendment to Section 44-3 of the Town Code to allow the Code Enforcement Officer to inspect mines. He stated his client believes that the reference to "mining" should be changes to "excavation" and that the fee should be called an administrative fee, rather than an inspection fee, and that the \$200.00 fee should only be increased with reason based on actual cost to the Town.

Gene Parzych of Sardinia stated he has posted the DEC's fish stocking schedule in the Town Clerk's office, and they will begin stocking the Cattaraugus Creek on March 26th, at 10:30 AM. He stated they welcome volunteers interested in dumping fish. The next date will be during the first week in June. Regarding the Scoby Dam in Springville, he informed that he attended the meeting at the Concord Town Hall where the Corps of Engineers and the State is looking to do something in with the dam in 2014 or 2015 to allow salmon up-stream from Lake Erie to Sardinia and Arcade. He stated this would make a significant impact on our streams and would increase the number of fishermen who would come into the area, increasing business in the area.

Mike Hannon of Sardinia stated he is disappointed that there will be no new Fire Hall, which he feels would benefit those on his end of Town. He stated since we won't be spending that money, he would like the Town Board to look into giving the excess back to taxpayers in the form of school tax abatement. He stated he would like to see that excess money given back to the full time residents to reduce the fund balance before the State or County of whoever takes it away from the Town.

The Supervisor stated that before the Board approves the bills, there are some fund transfers necessary after the audits. On a motion by Earl, seconded Montgomery, the following resolution, to be known as Resolution #14 of 2013 was moved for adoption:

**RESOLUTION #14 - 2013
APPROVAL OF FUND TRANSFER**

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

TRANSFER FROM	AMOUNT	TRANSFER TO
A1110.400 – Justice Cont	\$1450.00	A1320.400 – Auditors
A1410.400 – Town Clerk Cont	\$1450.00	A1320.400 - Auditors
A599- Approp. FB	\$13,748.00	A1110.200 – Justice Equip.

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.

Abstract #3, including vouchers #104 through #177, and totaling \$45,060.40, of which \$25,366.13 is General Fund expenditure; \$16,961.29 was Highway Fund expenditure, \$1,684.85 was Fire District expenditure, and \$1,048.53 was Lighting District expenditure, was then approved on a motion by Earl, seconded by Morrell, and carried 5 ayes, 0 noes.

In Unfinished Business:

The Supervisor stated that the next resolution is to approve the amendment to the Code to allow the Code Enforcement Officer to review mines in the Town. She stated that there were a couple of wording changes she would like made to allow more than just one annual inspection in the event of a complaint, or whatever. Attorney Joseph stated this would not be a major change and could be made without the need for another hearing. The wording was changed to "on an annual basis, or more, as needed to review mining operations..." and further down in those paragraphs, the wording was changed to "the reasonable cost of conducting this review: rather than "said inspection". Those wording changes were agreed to by Board members, and the following resolution, to be known as Resolution #15 of 2013 was then moved for adoption on a motion by Montgomery, seconded by Morrell, as follows:

RESOLUTION #15 - 2013

APPROVAL OF THE PROPOSED AMENDMENT OF TOWN CODE SECTION 44-3 TO PROVIDE INSPECTION AUTHORITY TO THE TOWN CODE ENFORCEMENT OFFICER WITH RESPECT TO THE MINING OVERLAY AMENDMENT TO THE TOWN ZONING ORDINANCE

WHEREAS, the Town recently amended § 5-17.1 (A) (1) (j) of the Town's Zoning Ordinance to create a mined land overlay district subject to certain conditions and there needs to be an addition to the Code Enforcement Officer's authority under § 44 of the Town Code to address new inspection duties arising out of said amendment to the Town's Zoning Ordinance as described in more detail below;

WHEREAS, the Town Board has under consideration an amendment to the Town Code to authorize the Code Enforcement Officer to conduct an annual review and report to the Town Board each year on whether any property owner conducting mining within the Town pursuant to §5-17.1 (A) (1) (j) of the Town's Zoning Ordinance continues to comply with the eligibility requirements under the Town's Zoning Ordinance, and whereas the Town Board has under consideration the imposition of a fee for such inspections on the property owner using the land for mining purposes rather than imposing such cost on the tax payers;

WHEREAS, the proposed change to Section 44-3 (a) of the Town Code of the Town of Sardinia would add a new subparagraph 12 to authorize the Code Enforcement Officer to do the following: **"to conduct on at least an annual basis, or more as needed, a review of any mining operations within the Town for ongoing compliance with the eligibility requirements under Section 5-17.1 (A) (1) (j) of the Town's Zoning Ordinance, and to report to the Town Board annually. The review shall include, but is not limited to (i) obtaining records from the property owner and the New York State Department of Environmental Conservation to confirm that each mining operation has a valid permit from the NYDEC and that there have been no major violations of said permit in the past year; (ii) that the property owner is in compliance with all the terms and conditions of said permit with respect to hours of operations, ingress and egress, noise levels at the perimeter and other similar conditions which affect the quality of life of neighboring property owners; and (iii) to confirm that any mitigation of prime farmland to replace the lost prime farmland is performed and that the acreage benefited or improved is located in the Town of Sardinia. The Town is authorized to assess a fee based on the reasonable cost of conducting this review. The amount of said fee shall be set initially at \$200. The Town Board may from time to time amend said fee by resolution."**

NOW, THEREFORE, BE IT RESOLVED, that after a public hearing was scheduled on March 14, 2012 at 6:15 p.m. the proposed change to Section 44-3 (a) of the Town Code of the Town of Sardinia to add a new subparagraph

12 is adopted and Section 44-3 (a) of the Town Code is hereby amended to add a new subparagraph 12 authorizing the Code Enforcement Officer to do the following: **“to conduct on at least an annual basis, or more as needed, a review of any mining operations within the Town for ongoing compliance with the eligibility requirements under Section 5-17.1 (A) (1) (j) of the Town’s Zoning Ordinance, and to report to the Town Board annually. The review shall include, but is not limited to (i) obtaining records from the property owner and the New York State Department of Environmental Conservation to confirm that each mining operation has a valid permit from the NYDEC and that there have been no major violations of said permit in the past year; (ii) that the property owner is in compliance with all the terms and conditions of said permit with respect to hours of operations, ingress and egress, noise levels at the perimeter and other similar conditions which affect the quality of life of neighboring property owners; and (iii) to confirm that any mitigation of prime farmland to replace the lost prime farmland is performed and that the acreage benefited or improved is located in the Town of Sardinia. The Town is authorized to assess a fee based on the reasonable cost of conducting this review. The amount of said fee shall be set initially at \$200. The Town Board may from time to time amend said fee by resolution.”**

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

The Supervisor stated that regarding the Waste Management application for a Special Use Permit for its Valley Fill expansion, the DEC findings statement has been received and is on the Town’s website, but the Notice of Complete Application has not been received as yet, so a vote on the permit will be held off until the April meeting.

Supervisor Hannon stated that there was a complaint last month about a sign, the CEO has found and reviewed paperwork, and will be putting together a letter to the owner of the property, Manfred Koch, stating that the sign was intended to have the names of the businesses that are in the Tri-County Business Park.

The Supervisor stated that there is a payment due to the Fire Company on March 31st and as yet no agreement has been reached, so she has asked the Attorney for the Town to draft a resolution for Board approval to make the payment, which she then read aloud. She also asked the Attorney if the Town could continue negotiating after March 31st, and Attorney Joseph stated there is no reason that an agreement can’t be reached by March 31st, but if not, that question can be addressed. The Supervisor stated that at this point, the messaging system payment is the only point left to agree on. Attorney Joseph stated that the problem is that the Town is obligated to make payment on the “roll over” contract on March 31st. The Supervisor also stated that she was informed by Mr. Heineman that the \$6,000.00 messaging service is not even used by the Fire Company and that they use the free service offered by Erie County. She stated she will address this issue with the Springville Control Center and see why we are still charged this fee, and it may be removed from the bill. The resolution that had been read, to be known as Resolution #16 of 2013, was then moved for adoption on a motion by Earl, seconded by Montgomery:

RESOLUTION #16 - 2013

WHEREAS, the Negotiating Committee for the Town of Sardinia and the Negotiating Committee for the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY have been engaged in negotiations for a new contract and the parties agreed to place the negotiation of the final remaining issues in the hands of their respective attorneys;

WHEREAS, the attorneys made some progress but there remain some unresolved issues with the result that no agreement has been reached that could be submitted for public hearing even though the deadline for the first payment is March 31, 2013;

WHEREAS, the attorney for the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY has represented to the Town Attorney that the prior contract by its terms “rolls over” until such time as an agreement is reached;

WHEREAS, the Town Board wishes to honor its obligation to make payments under the “rolled over” contract until such time as an agreement is reached as to a new contract and the annual payment of the first year is all due on March 31 in the amount of \$145,666.00 plus \$33,765.00 for apparatus for a total payment of \$179,431.00;

NOW, THEREFORE BE IT RESOLVED, that the Sardinia Town Board hereby approves the payment to the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY of the sum of \$145,666.00 plus \$33,765.00 for apparatus for a total of \$179,431.00 under the “rolled over” contract as the total payment for the year 2013 unless a new agreement is reached and substituted for the “rolled over” contract prior to March 31, including but not limited to conducting the required public hearing and approval thereafter by the Sardinia Town Board with the execution of the new agreement by appropriate representatives of the parties.

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

Under New Business:

Supervisor Hannon stated that the next resolution is for the renewal of the software contract, and the following resolution, to be known as Resolution #17 of 2013, was moved for adoption on a motion by Montgomery, seconded by Morrell:

**RESOLUTION #17 - 2012
APPROVAL OF SOFTWARE CONTRACT**

WHEREAS, the Sardinia Town Board has previously approved the purchase of the Williamson Law Book software for payroll and for Municipal Account, and

WHEREAS, an annual contract must be approved for support for these software programs, and

WHEREAS, the cost of the Payroll software program for one year is \$770.00 and the cost of the Municipal Accounting software program for one year is \$825.00, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the payment of \$1595.00 to William Law Book Company for the software support for one year on both the Payroll and the Municipal Accounting programs, and

BE IT FURTHER RESOLVED, that the Sardinia Town Board approves Supervisor Mary Hannon to enter into contract with Williamson Law Book Company for this agreement.

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 approve the Dog Shelter Lease agreement, and stated that the Dog Control Officer is on hand. There were no questions, and the following resolution, to be known as Resolution #18 of 2013 was moved for adoption on a motion by Earl, seconded by Morrell:

**RESOLUTION #18 - 2013
APPROVAL OF SHELTER LEASE AGREEMENT WITH
DOG CONTROL OFFICER**

WHEREAS, the lease entered into between the Town and Mr. Duane DeGolier to provide care and shelter to dogs seized by the Town's Dog Control Officer expires on or about March 8, 2013;

WHEREAS, the Sardinia Town Board has received an reviewed a copy of the current lease; and

WHEREAS, the Town has been satisfied with the services provided by Mr. DeGolier and approves the lease as stands, and;

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to execute the Shelter Lease Agreement between the Town of Sardinia and Mr. Duane DeGolier for the services to provide care and shelter to dogs seized by the Dog Control Officer.

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

Supervisor Hannon stated that the next resolution is for approval of the Chaffee-Sardinia Youth Baseball Agreement. The following resolution, to be known as Resolution #19 of 2013 was then moved for adoption on a motion by Earl, seconded by Montgomery:

**RESOLUTION #19 - 2013
APPROVAL OF CHAFFEE-SARDINIA YOUTH BASEBALL AGREEMENT**

WHEREAS, the Chaffee-Sardinia Youth Baseball has again requested to enter into contract with the Town of Sardinia to provide services to the Town in regards to a little league team, and

WHEREAS, the Town has been satisfied with the services provided by Chaffee-Sardinia Youth Baseball, and

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to execute into a contract with the Chaffee-Sardinia Youth Baseball in the amount of \$2,000.00, pending a Certificate of Insurance.

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

Supervisor Hannon stated that the next resolution is to approve a request from Thomas Foote of the Arcade Express Soccer Club, and asked Councilman Earl to explain what they are looking for. Ms. Earl stated that they held a training camp last year and approximately 16 kids participated. This year they would like to hold it at Sardinia's Veteran's Park, where a new soccer field is going in this year. The following resolution, to be known as Resolution #20 of 2013, was then moved for adoption on a motion by Montgomery, seconded by Morrell:

**RESOLUTION #20 - 2013
APPROVAL OF REQUEST FROM THOMAS FOOTE OF THE
ARCADE SOCCER CLUB**

WHEREAS, the Sardinia Town Board has received a recommendation to approve the request from Mr. Thomas Foote of the Arcade Soccer Club to hold a training camp at Sardinia Veterans Park, from August 5 through August 9, 2013 for area soccer participants who will be entering 6th through 12th grades in the fall; and

WHEREAS, the Arcade Express Soccer Club has previously been approved to build and utilize a soccer field at Sardinia Veterans Park and has hereby requested a certain time frame for a special training camp; and

WHEREAS, the Town of Sardinia has a Certificate of Insurance on this organization on file.

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

The Supervisor made mention that the Town is in receipt of the Fire Company's January minutes, and the January Treasurer's report; She also stated that it is time to order portable johns for the upcoming Park season, and asked if someone would take care of that, and Councilman Morrell stated he would take care of that; Supervisor Hannon stated that the Springville High School is putting on the musical "Spamalot" this weekend if anyone is interested in attending, and

noted that her son has a one-line part.

Supervisor Hannon stated that the Board needs to go into Executive Session for discussions on the Host Municipal Agreement with Waste Management. On a motion by Earl, seconded by Morrell, the Board moved into Executive Session at 7:30 PM. Carried, 5 ayes, 0 noes.

On a motion by Earl, seconded by Montgomery, the Board moved back into regular session at 8:00 PM, stating they had not made any decisions in the Executive Session.

There being no further business to come before the Board, on a motion by Earl, seconded by Morrell, the meeting was adjourned at 8:01 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk

Attorney for the Town Linda Joseph's Report on with Firemen's Contract Negotiations

The Town of Sardinia's Negotiating Committee met with the Firemen's Negotiating Committee on Tuesday March 12 with very disappointing results. There were only three minor issues to be resolved and the Town's Negotiating Committee—with Supervisor Mary Hannon, Town Board Member Cheryl Earl and Keith Ramsey participating (with the assistance of the Town Attorney) had high hopes that the evening would end with a contract which could be presented to the public at a public meeting to be followed, hopefully by approval by the Town Board and the members of the Chaffee/Sardinia Fire Company. Instead, after the Town Negotiating Committee accepted the Firemen's position on two of the three remaining issues, the Firemen's Negotiating Committee absolutely refused to even meet the Town's Negotiating Committee halfway on the third item, walking out with the threat of dissolving the Chaffee/Sardinia Fire Company.

Before describing this disappointing negotiating session in more detail, an explanation of the background to this March 12 session is in order. When negotiations began in mid-2012, the Town had proposed to build a new Fire Hall and Community Center which necessitated reducing the Firemen's budget to maintain financial strength for the Town so that it could continue to function without taxation on residents into the future. It was not until October that the Firemen's Negotiating Committee informed the Town's Negotiating Committee that they did want NOT a new Fire Hall and Community Center. Upon learning this, the Town's Negotiating Committee agreed to fund the firemen with the very budgetary amounts presented by the Firemen's Negotiating Committee. There were many delays in obtaining meeting dates from the Firemen's Negotiating Committee and, when there were meetings, little was achieved on the remaining issues. This led both parties to agree to place the negotiations temporarily in their respective attorney's hands. Mark Butler, Esq., acting on behalf of the Firemen's Negotiating Committee, worked with Town Attorney, Linda Joseph, Esq., and they were able to successfully resolve all issues except three. Mr. Butler had expressed confidence that these last few issues could be quickly resolved upon his return from vacation in an email dated February 13, 2013. After that, Mr. Butler inexplicably ceased communications. Finally, in an effort to move things forward, Town Supervisor Mary Hannon was able to schedule a meeting for Tuesday, March 12, 2013 at the Sardinia Town Hall.

The intent at this March 12 meeting was to resolve the three remaining issues since the Town had already agreed to pay the firemen the amounts they had demanded in their proposed budget submitted at the outset of negotiations to the Town's Negotiating Committee and had agreed, in response to the Firemen's Negotiating Committee's demands, to abandon the proposal to build a new Fire Hall and Community Center for the Town of Sardinia. The three remaining issues were: (1) the fees for the messaging charged by the Springville Control Center which the Springville Control Center charges separately since these fees concern services for the firemen to communicate about their activities and are not directly related to firefighting or 911 operations; (2) the dates for delivery of payments under the contract by the Town to the Chaffee/Sardinia Fire Company; and (3) reporting provisions under paragraph 8 intended to provide information needed by the Town Board to approve payments for pension fund contributions for the firemen who have engaged in sufficient activities to qualify under the LOSAP program for pension benefits.

The payment dates and reporting requirements were discussed first. The Town had wanted to make the payments called for in two payments, one in the Spring and one in the Fall. The Town also sought enforcement for reporting the information needed to approve pension benefits because it had been difficult to obtain this information in the past and approvals had been delayed as a result. The Firemen's Negotiating Committee refused to agree to the proposed language and the Town's Negotiating Committee, in an effort to move the negotiations forward toward resolution, agreed to accept the language the Firemen's Negotiating Committee wanted. In doing so, the Town's Negotiating Committee pointed out that negotiation calls for compromise by both parties and that they hoped there would be a willingness to concede on the next and final issue to be resolved.

Unfortunately, there was no willingness on the Firemen's Negotiating Committee's part to concede or even compromise on the last point. Danny Heinemen contended that the firemen do not use this messaging service but instead use a free service provided by the County on its website. Town Supervisor Mary Hannon suggested that the Firemen's Negotiating Committee agree to accept the responsibility for the messaging fees (which are only \$6000 in comparison to the \$159,173.11 for fire services and the \$36,895.63 for apparatus for a total payment of \$196,068.74 that the Town would make for the first year under the proposed new contract) and that she would contact the Springville Control Center and seek removal of this \$6000 fee with the Town continuing to pay the approximately \$27,000 fee for the services related directly to firefighting and 911 operations. This proposal was rejected. Next, Town Supervisor Mary Hannon suggested that the Town and the Chaffee/Sardinia Fire Company agree to share equally the approximately \$6000 fee for the messaging service. The Town Supervisor suggested that the Firemen's Negotiation Committee caucus privately and discuss the various compromises that could result in an agreement. Instead, this was rejected and the Firemen's Committee became agitated, threatened to dissolve the fire company and walked out of the negotiation session. Thus, no contract was reached to present the public or to the Town Board or to the rank-and-file members of the Chaffee/Sardinia Fire Company.

The unfortunate result, as the Town's Negotiating Committee explained to the Firemen's Negotiating Committee, is that oldcontract has rolled over and the Town will be called upon on March 31 to pay the firemen the old amount set for year one under "rolled over" contract instead of paying the new increased amount that the firemen requested for the proposed new contract. This means that the Chaffee/Sardinia Fire Department will receive \$179, 371 on March 31 instead of the \$196,068.74 it would have received under the proposed new contract—which amounts to \$16,697.74 less than they would otherwise receive. Obviously, this seems illogical given that the messaging fee is approximately \$6,000 and the Town actually offered to share half of the messaging fee. This does not need to happen since the Town's Negotiating Committee remains ready to continue negotiations and will remain so. Surely, the rank-and-file members of the Chaffee/Sardinia Fire Company would not want this result and it is hoped that the firemen will come back to the negotiations soon with an intent to bring some compromise to the table.