

## 1-13-2011 – REGULAR BOARD MEETING

Present:

Councilman Cheryl L. Earl  
Councilman Daniel L. Miller  
Councilman David L. Montgomery  
Councilman Norman J. Uhteg  
Supervisor Mary L. Hannon

Also Present:

Attorney for the Town Linda Joseph  
Highway Superintendent Donald W. Hopkins  
Town Clerk Betsy A. Marsh  
Approx. 18 guests

The Sardinia Town Board held its Regular Town Board meeting for January On January 13, 2011 at the Sardinia Community Center. Supervisor Mary 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 December 30, 2010 End of the Year Meeting and the December 30, 2010 Public Hearing on Local Law #2 of 2010, the Sardinia Dog Licensing Law. On a motion by Montgomery, seconded by Earl, those minutes were approved as written. Carried, 5 ayes, 0 noes.

Departmental Reports included:

Supervisor Hannon stated that Tom Lewis contacted to inform her that the airspace payment will be coming soon. She stated that it looks like it will be approximately \$100,000.00 less than anticipated at budget time. She also stated she is looking at a new software system for the Town, on recommendation of the Town's auditors. The Supervisor stated that the Town Historian has submitted his annual report, and she has received a thank you note from the American Legion for the contractual payment. She noted the Legion has also put new flags up at the Town Hall.

Councilman Miller reported that there will be a snowmobile rally known as Sled Fest, sponsored by radio station 103.1 in Town this Saturday, the course going from The Hearth to The Milestone, and will include a dice run and basket raffle. He stated on Sunday, there will also be a NYS Federation of Snowmobile Clubs ride to the Erie County Forestry on Genesee Rd. Mr. Miller also noted that the Town Hall's flag was not lowered to half staff in observance of the Arizona tragedy. It was discussed as to if it was only for Federal Buildings or all government buildings, and the Supervisor stated that if the Legion would just let the Town know, we could raise or lower them ourselves. Councilman Miller stated he attended a meeting concerning the Lake Erie Watershed, which the Planning Board has been working on. Mr. Miller stated he has ordered the grills for the parks from the Made in America Store, at a cost of \$760.00 and when a check is cut, he can pick them up. He also stated he has been working with the Planning Board, and he stated that the Town Board is still waiting for the proposed Zoning Amendments, as well as movement on the Hutchinson Rd. re-zoning request, and the Draft E.I.S. for the Tri-county Business Park. Mr. Miller also cautioned that everyone who uses the back door should watch their step because the blacktop at the back door entry has heaved, presumably due to the frost.

Councilman Earl reported that she is working on the Erie County Youth Services grant, and stated that the Town is eligible for \$1,178.00. She stated she has received a copy of adjustments from the Springville Control Center, and she stated she wants to review its billing of the Town to make sure it is correct. Councilman Earl also stated that the Recreation Dept. will be holding a movie and popcorn night on January 28<sup>th</sup>, from 6 PM until 8 PM for Sardinia resident children ages 5 to 10; and from 8 PM until 10 PM for youths aged 11 to 15. She stated that there will be other such events set up for February and March. Councilman Earl stated she will post the information on the Town's website when it becomes available.

Councilman Montgomery reported that the Special Needs Forms are coming in and are available at the Town Clerk's office. He stated he has now scheduled an AARP Defensive Driving course for March 16<sup>th</sup> and 17<sup>th</sup>, from 6 to 9 PM each night. The cost will be \$12.00 for AARP members and \$14.00 for non-members. He informed that there is a 15 person class minimum, and a 35 person maximum, and asked for authorization to advertise. On a motion by Earl, seconded by Miller, Mr. Montgomery was given authorization to advertise the course. Carried, 5 ayes, 0 noes.

Councilman Uhteg reported that, concerning streetlights, NYSEG has apparently reorganized once again and have now put on an extra crew to catch up on streetlight outages. He stated they are finally working on the lights in Sardinia. He stated that most are now repaired, but there are still some problems, and NYSEG has told him they will be repaired within 3 days of notification. Mr. Uhteg stated that if anyone sees a streetlight that is out, call the Town Clerk's office.

Highway Superintendent Hopkins reported that he and the Town Clerk met with Jason Petronick of the Erie County Health Dept. yesterday. He stated that the Town has always monitored the water for daily chlorine levels, but will now be required to take a raw water sample each month from the Town Hall/Community Center for a period of 1 year, and have the sample sent to ECMC for testing. Mr. Hopkins explained this was due to the usage of the building by the Tiny Tots, Senior Citizens, SASI, and the general public, as well as those who work in the building. The Town will be billed for the testing. Mr. Hopkins reported that the Highway Dept. has been doing a lot of plowing and sanding. Mr. Hopkins also stated that at Budget time, he had asked for money in his budget to replace equipment, and \$50,000.00 had been put in for that purpose. He then asked the Board to allow him to put out to bid for a new mowing tractor and new mower to replace the 1957 Ford tractor and roadside mower currently owned by the Town. He stated that on State bid, Buffalo Tractor is the low bidder at \$49,800.00 for that package, but feels he could get it even cheaper if he put it out for bid

himself. On a motion by Earl, seconded by Montgomery, the Highway Superintendent was given authorization to advertise for bids for a new tractor and roadside mower. Carried, 5 ayes, 0 noes. Mr. Hopkins also stated he has some surplus items he would like to get rid of, including 5 brand new 20 inch tires. He stated he has called other Highway Superintendents, and tire dealers to try to sell them or trade them, but has been told they are obsolete, and no one else has equipment requiring that size tire. He stated he also has the 2001 Chevy pickup and the 1957 tractor, and asked for permission to put them on the Auctions International website to see if anyone would show any interest. He explained that when he took the old excavator to auction, he only got \$2000.00 and would like to see if he could do better on-line, starting with the tires. Mr. Hopkins stated he could put reserve bids on the equipment and that way, would not have to accept bids that are too low. On a motion by Earl, seconded by Montgomery, the Highway Superintendent was given authorization to put the equipment on Auctions International, starting with the surplus tires, then the truck and tractor. Carried, 5 ayes, 0 noes.

Attorney for the Town Linda Joseph stated it had been a nice quiet month. She stated that she had given some assistance to the Board on the documentation for the well testing program; looked at the telephone system maintenance contract with Avaya; and assisted the Supervisor with surrendering the whole life policies for the LOSAP program. She explained that by changing over from Whole Life to Term insurance, the Town will save about \$8,000.00 per year, and should also get a few thousand dollars back this year. The Supervisor stated it was a little bit more complicated than anticipated, but the Attorney assured her it will get done, and the Town will get some money back.

Public Comments included:

John Schiener of Sardinia stated he has looked at the Supervisor's committee appointments, and is a little disappointed that she doesn't use the experience and expertise of Councilman Uhteg more. He also stated there is a meeting tonight at the Town of Concord Town Hall discussing the gas drilling technique known as hydrofracking, and suggested that the matter should be referred to the Planning Board for review.

Dave Malachowski of Sardinia, a member of the American Legion, stated he thought that the lowering of the flag for the Tucson shooting victims, was only at Federal buildings. Supervisor Hannon agreed, and stated that, in the event that the flag should be lowered for any reason, if the Legion could just give the Town offices a call, the Town could handle the actual raising and lowering, that would be great.

Supervisor Hannon then asked for a motion to approve payment of the bills, and on a motion by Earl, seconded by Miller, General Fund Warrant #1 of 2011, including vouchers #1 through #40, totaling \$123,987.98, and Highway Fund Abstract #1 of 2011, including vouchers #1 through #6, and totaling \$32,844.98, were approved for payment. Carried, 5 ayes, 0 noes.

The Supervisor stated that she made a mistake on the resolution to approve the payment of the Town's insurance cost at the 12/30/2010 meeting. She stated she had given the correct amount to the Board, but had the wrong amount in the resolution. Therefore, the following resolution, to be known as Resolution #2 of 2011, was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION # 2 - 2011  
AMENDMENT TO COST OF INSURANCE**

**WHEREAS**, the Town Board has approved the cost of insurance through NYMIR in the end of the year meeting at a cost not to exceed \$32,500, and realizing an error on the part of the supervisor when preparing the resolution, the correct amount should have been \$33,500; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby approves the correct amount to spend on Town insurance as \$33,500, thereby correcting the previous resolution in this matter.

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

Supervisor Hannon stated that the next resolution is for the Town's well testing program. She stated that Councilman Montgomery had worked on getting costs, and Test America was found to have the lowest cost. She stated that the Town Attorney had been asked to review and draft an application form, for signature by those whose wells will be tested, that will hold the liability away from the Town; in other words, the Town is offering the water sampling for free, but is not responsible for fixing any problems found. She stated that the attorney has also come up with an advertisement which Councilman Montgomery will place. Supervisor Hannon stated that the application forms will be available at the Town Hall. She also stated that it has been decided that the Town will do 100 wells, and will start with the section of Town that runs from Warner Gulf Rd. east, and Genesee Rd. north. She stated that Councilmen Miller and Montgomery will handle the scheduling of the testing. Councilman Uhteg stated he would like to see it opened up to the whole Town, and it was explained that they would like to do smaller areas at a time to make it easier for the testing company, who will be doing 7 wells per day. The following resolution, to be known as Resolution #3 of 2011, was then moved for adoption by Montgomery, seconded by Miller:

**RESOLUTION #3 - 2011  
APPROVAL OF WELL TESTING PROGRAM WITHIN THE  
TOWN OF SARDINIA**

**WHEREAS**, the Town of Sardinia recognizes the importance of homeowners in the Town of Sardinia to know the results of their drinking water; and

**WHEREAS**, the Town Board has recognized this need in the past with covering a water testing in a few area test wells within the Waste Management area, and

**WHEREAS**, this Town Board realizes the need for all homeowners, not just a certain few, at a cost of approximately \$120.80 per household, as quoted by Test America, and

**WHEREAS**, the Town has funds received through Waste Management to be utilized for environmental benefits and the Sardinia Town Board agrees that well water testing for homeowners is an environmental concern, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board approves a program to provide homeowners in the Town of Sardinia to participate in a drinking water test program provided by the Town of Sardinia at a cost of approximately \$13,000 to be completed by Test America and approves the Sardinia Town Supervisor to enter into a contract with Test America to provide these services and allow for the first 100 homeowners from Warner Gulf Road East within the Town of Sardinia and Genesee Road North within the Town of Sardinia.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Uhteg, no, stating he does not agree with the area for testing, Hannon, aye. So Resolved, 4 ayes, 0 noes.

Supervisor Hannon stated that the next resolution is for approval to have Drescher & Malecki conduct an audit of the 2010 books. The following resolution, to be known as Resolution #4 of 2011, was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #4 - 2011  
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 2010 expenditures and finances of the town at a cost not to exceed \$10,500 and assist in consultation for the year 2011 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 2010 audit and report back to the Town Board at a cost not to exceed \$10,500.00 and to perform 2011 accounting assistance at a cost of \$75 per hour.

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

The Supervisor stated the next resolution is to purchase the Public Employee Crime Bond, which NYMIR does not carry, and must be purchased separately through Eastern Shore Associates. The following resolution, to be known as Resolution #5 of 2011 was then moved for adoption by Earl, seconded by Miller:

**RESOLUTION #5 - 2011  
APPROVAL OF PURCHASE OF  
PUBLIC EMPLOYEE DISHONESTY CRIME BOND – 2011 RENEWAL**

**WHEREAS**, the Town Board approves the purchase of the renewal of the Public Employee Dishonesty Crime Bond for the renewal period of 1/28/2011 until 1/28/2012 at a cost of \$952.00 as NYMIR does not provide this coverage at this time; and

**WHEREAS**, this is a requirement of New York State, the Board is obligated to purchase this coverage, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board approves the purchase of the renewal Public Employee Dishonesty Crime Bond from Eastern Shore Associates at a cost of \$952.00.

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

The Supervisor stated that the next resolution is to renew the contract with Avaya for the Town's phone system maintenance. She stated that she had contacted Avaya and they actually lowered the cost of the contract. The following resolution, to be known as Resolution #6 of 2011 was then moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #6 - 2011  
APPROVAL OF AVAYA PHONE CONTRACT**

**WHEREAS**, the Town of Sardinia has a standing contract with AVAYA for their telephone system, and

**WHEREAS**, after contacting AVAYA, a cut in cost was determined with an amount of \$115.53 per quarter for services rendered according to the contract, and

**WHEREAS**, the Town Board concurs the need for this service and accepts the newly reduced price, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board hereby authorizes Supervisor Mary Hannon to enter into contract with AVAYA at the cost of \$115.53 per quarter as outlined in the contract reviewed by members of the Board.

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

The Supervisor stated the next resolution is to conduct the annual audit of the Town Clerk, including the tax records, and the Town Justice Court. The following resolution, to be known as Resolution #7 of 2011 was then introduced by Earl,

seconded by Montgomery:

**RESOLUTION #7 - 2011  
AUDIT ON COURT AND TOWN CLERK DEPARTMENTS FOR 2010**

**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 reserves the date of Friday, January 28, 2011 at 10:00 a.m. to complete the audit for the Town Clerk and Town Justice office.

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

The Supervisor stated that the next resolution is to approve the maintenance contract for the Town's Milton Cat generator, and stated she has spoken to Ron Ladd of Milton Cat to clarify the amounts, which are outlined in the resolution. The resolution, to be known as Resolution #8 of 2011, was moved for adoption by Montgomery, seconded by Miller, as follows:

**RESOLUTION #8 - 2011  
APPROVAL OF MILTON CAT GENERATOR CONTRACT**

**WHEREAS**, the Sardinia Town Board has reviewed the contract to service the Town Hall's generator, and

**WHEREAS**, the various items needed for maintenance are necessary for updating the equipment, and

**WHEREAS**, Milton Cat has agreed to cover the cost of these extra maintenance issues over a 3-year contract, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board approves the contract and Supervisor Mary Hannon entering into the contract with Milton Cat for the maintenance of the generator located at the Sardinia Town Hall for the cost of \$1875 annually for a 3-year term.

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

Supervisor Hannon informed that County Legislator Dino Fudoli will be at the Sardinia Town Hall on February 14, 2011 from 3 PM until 5 PM as part of his Community Outreach Program. She stated that the HEAP Program will also be at the Town Hall on February 14, 2011 from 9 AM until 4 PM for anyone wishing to apply for the funding.

The Supervisor stated that the Fire Company has requested reconsideration of a non-resident member. She stated that she still has not received a copy of the Fire Company's latest by-laws, which she has requested. Councilman Earl stated she is asking for an updated list of out-of-Town members. Councilman Earl also asked if the Company's by-laws had been changed to allow 45% of the members to be non-residents. Supervisor Hannon stated she has out that a letter of certification, certifying that the Firemen's points for the year are correct, must accompany the points list. She stated that the points listing will remain on the bulletin board and on the website, but the consideration of the non-resident member will be tabled until those items are received from the Fire Company. John Schiener stated that the by-laws that were provided to the Supervisor are the correct ones. Councilman Uhteg stated he will have the Fire Company President provide a certified copy to her.

There being no further business to come before the Board, on a motion by Earl, seconded by Montgomery, the meeting was adjourned at 7:03 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk