

2-11-2010 – 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 H. Joseph
Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
Approx. 40 guests

The Sardinia Town Board held its Regular February Town Board meeting for 2010 on February 11, 2010 at the Sardinia Community Center. Supervisor Mary L. Hannon called the meeting to order at 6:30 PM, with the Pledge to the Flag and a moment of silence, with special thoughts to the recent passing of Judge Nelson E. Lefort.

The Town Clerk has submitted the minutes of the January 6, 2010 Organizational meeting, the January 6, 2010 Regular meeting, and the January 28, 2010 Special Meeting. The minutes were approved and filed on a motion by Earl, seconded by Montgomery, and carried, 5 ayes, 0 noes.

The Supervisor stated that the Town's Special Counsel has submitted a report to the Board, and that will be discussed in Executive Session at the end of the meeting. Attorney for the Town Linda Joseph stated that she would not be attending that Session.

Attorney Joseph reported that a Notice of Claim has been received by the Town. She stated that the defense will be provided by the Town's insurance company, there is no deductible, and the Town is well covered. She also stated that they are looking into the proposal coming in from Chaffee Water, and will discuss that matter more when it comes up on the agenda. Attorney Joseph stated she has been researching procedure for the appointment of a Justice to fill the vacancy created by the passing of Judge Lefort. She stated that the Town Board may appoint, as long as the person lives in the Town, and if not, then the appointment can be made by the head of the Court system. She stated that Justice Vossler has offered to stand in through March and April, and has only one issue in which she is recusing herself, and at that time, Attorney Joseph will make a simple motion to the County Court Judge to have that case moved to a neighboring Justice Court.

Highway Superintendent Donald Hopkins stated he has now purchased a Town cell phone and gave the phone number. He stated he has also put the number on his business cards. He stated that at the last meeting, Sheila Vrenna brought up the need for a speed limit in front of Early Bird Nursery School. Mr. Hopkins stated that a letter needs to be sent to the State DOT's head engineer in Buffalo on Town letterhead, and then it's up to them. He stated that the Agreement to Spend Highway Funds needs to be signed, and then needs to be on file in the Town Clerk's office. Mr. Hopkins stated he would be attending three different training schools, on three different days. The Highway Superintendent stated that he would like to put the 1985 International dump truck up for sale to the highest bidder, As Is, and would like permission to advertize. He also stated he has been looking at chippers, and has decided that, rather than buy off the State bid, he would advertize for a low bid and would like the Board to agree to put it out for bids and open at the March meeting. He stated he is also having issues with the Town pickup, and stated it is not built for what it is being used as. He stated he would like to put that out for bid, also, and would like Board permission to do so.

On a motion by Uhteg, seconded by Miller, the Board agreed to request that the State DOT look into a speed limit on Rt. 39 near Early Bird Nursery School. Carried, 5 ayes, 0 noes.

On a motion by Miller, seconded by Earl, the Board approved the advertisement for the sale of a 1985 single axle International dump truck, AS IS. Carried, 5 ayes, 0 noes.

On a motion by Earl, seconded by Montgomery, the Board gave the Highway Superintendent permission to advertize for bids for the purchase of a chipper and a new pickup truck for the Highway Department. Carried, 5 ayes, 0 noes. All bids will be opened at the March 11, 2010 meeting.

Councilman Uhteg reported that no paperwork has been found concerning the purchase of AED's (Automatic External Defibrillators), and stated that First Aid Lt. Mike Shaw will look into it for the Board. Concerning adding street lights to unlit intersections, he stated that there are 8 that do not have lights. Councilman Earl asked if the Domes and Allen Rd. intersection was included on the list, and Mr. Uhteg stated he did not have the list with him, but believed that it was included. He stated that he has spoken with Don Russo, who is now in charge of NYSEG's street lighting division, and he will be getting back to him. Mr. Uhteg cautioned that NYSEG will not put up lights at intersections that don't already have power nearby.

Councilman Miller reported that he has spoken to Austin Locksmithing & Security and will be getting prices to replace the rusted rear doors on the Town Hall/Community Center with doors that have handicapped openers. He will also be getting price quotes to have the flag pole moved closer to the sign and to have the flag lit up. He stated that the Historical Society has done a lot of work at the Old Town Hall and it is looking good. He stated that their next project is the replacement of the kitchen sink, which will require a special contractor due to the asbestos pipe insulation found there. The cost of the removal will be approximately \$250.00, and then they will need to purchase and install a new sink. He noted that the Historical Society has also placed a cabinet and historical display upstairs in this building. Mr. Miller stated that the Historical Society

will be having a program at the Old Town Hall on April 29th which will feature a speaker on Masonic activities and the anti-Masonic movement in NY State in the 1800's, and will also have on hand archeologist Dr. Douglas Perrelli from the University of Buffalo to talk about and display some of the artifacts from the Waldron/Hall dig in Chaffee. Mr. Miller stated that the Water Evaluation Committee is still speaking about a water district, but there still are no clear answers.

Councilman Earl stated she had met with the Youth Committee, and it has been decided that the pool would be open from June 26th through September 5th this summer, and that they would like permission to run ads for staff at the end of March. She stated that the Youth Committee members would like free family pool passes in lieu of payment for their services. Concerning new signs for the Highway Dept. and Manion Park, she has two quotes for each sign. The Manion Park sign is double sided, green and gold, and the bids are:

Chaffee Printing	\$530.00 (installed)
TW Signs	\$580.00 (not installed)

The Highway Department sign would be one-sided for mounting on the building and bids are as follows:

Chaffee Printing	\$175.00
TW Signs	\$375.00

On a motion by Earl, seconded by Montgomery, signs will be ordered from Chaffee Printing at a cost of \$530.00 for the Manion sign and for the Highway Dept. at a cost of \$175.00. Carried, 5 ayes, 0 noes.

On a motion by Miller, seconded by Earl, the Youth Committee was given permission to advertize for lifeguards and summer staff at the end of March. Carried, 5 ayes, 0 noes.

On a motion by Uhteg, seconded by Miller, the Board agreed to give Youth Committee members free family swim passes for their services. Carried, 5 ayes, 0 noes

Councilman Montgomery reported that 98 people were vaccinated at the Erie County Health Dept. H1N1 flu vaccination clinic here at the Town Hall/Community Center, and thanked the Fire Company for the stand-by and everyone who helped out. He reported that another safe driving course will be held on April 6th and 8th here at the Town Hall/Community Center at a cost of \$25.00 per person. He stated that there must be at least 20, but not more than 40 persons per class, and asked for permission to advertize the course. Mr. Montgomery reported that neither Food for All nor the H.E.A.P. outreaches have anything scheduled for 2010 as yet, but the Health Department would like to send a speaker out for a program on in-home safety for the elderly.

On a motion by Miller, seconded by Montgomery, permission was given to advertize the Safe Driving Course. Carried, 5 ayes, 0 noes.

Councilman Earl stated she and the Highway Superintendent had sat in on a Youth Baseball meeting concerning getting the diamonds up to par for the season. They have stated that they will not be using the diamond at the Genesee Rd. Park, but will be using the one behind the Town hall/Community Center and the one at Manion Park, so those are the ones that will be worked on. She stated they also met with Bill Arlow concerning the Parks Master Plan. Supervisor Hannon stated that Mr. Arlow will speak later on the Master Plan, and stated that Gernatt has offered in the past to help out with the ball diamonds and Manion Park, and suggested Councilman Earl Contact them.

Supervisor Hannon stated that she has been having meetings and trying to get everything running smoothly, and her office is working on payroll direct deposit issues, and hopes that the issue will be resolved soon.

Under Public Comment:

Peter Sorgi, Attorney for Gernatt Asphalt, stated that last month, this Town Board passed a resolution to end the litigation in which the Town sued its own ZBA, and that the Board members who had won the election openly ran on that issue. Mr. Sorgi stated that the very next day after the Board had voted to drop the suit, Gernatt and the Town Board were served with a lawsuit to continue the action, brought by 3 residents. Mr. Sorgi wanted it on the record that Gernatt had nothing to do with increasing the Town's costs, that he talked to the attorneys who filed those papers, Leonard Berkowitz and Peter Vasilion, and was informed that Councilman Uhteg actually brought the affidavits and the paper work to two of these residents to get them to sign, and the papers also reflect John Schiener's involvement in the lawsuit. Mr. Sorgi stated that the lawsuit was denied and nothing happened but costs were still incurred. Mr. Uhteg stated he had driven his wife, as a Notary Public, he did not serve the papers on anyone. Mr. Sorgi stated that they were told by Mr. Berkowitz that Mr. Uhteg had presented it to him, sat down with him, and had him sign it. Supervisor Hannon cut the discussion short, stating that the Town Board did not need to get into that.

Supervisor Hannon stated that she had a question on one of the vouchers, stating that a voucher had been submitted for the Legion, but for auditory purposes, receipts are needed. She stated that there is \$2,500.00 in the budget for that line and there is no problem with the amount, but without a contract with the Legion, receipts are needed, so that voucher was pulled, and is not on tonight's Warrant. On a motion by Montgomery, seconded by Miller, General Fund of Warrant #2 of 2010, including vouchers #24 through #104, totaling \$93,240.97; and Highway Fund Abstract #2 of 2010, including vouchers #8 through #26, and totaling \$16,748.04, were approved for payment. Carried, 5 ayes, 0 noes.

Under unfinished business:

Supervisor Hannon stated she had opened a can of worms with the change of the Town Board meeting night to the 2nd Thursday of the month. She stated that it conflicts with the American Legion's meeting night, and has received many calls and letters from Legion members. The matter was discussed, and the Supervisor stated that Wednesdays were not convenient for her. Councilman Earl stated she works late on Wednesday nights. Councilman Miller felt that the 2nd Thursday at 6:30 PM should be continued for one year, and then reviewed. Councilman Uhteg stated he wanted to change back to the 2nd Wednesday night for Legion members. On a motion by Earl, seconded by Miller, the Town Board meetings will be held

on the second Thursday of the month at 6:30 PM for calendar year 2010. Carried, Earl, Miller, Montgomery and Hannon voting aye, and Uhteg voting no.

Concerning the proposed Poolhouse project, Councilman Montgomery stated he had looked over the plans that are in the conference room, and feels there are many things lacking, and he feels that more detail is needed. Councilman Uhteg stated it is the basic layout. He stated that the specs are at the architect's office. The Supervisor asked why the Board has not seen the specs and why the plans are not stamped. Councilman Montgomery was concerned that it would not pass code. Board members expressed several concerns. The Supervisor stated the Board should see the final plans and specs before authorizing them to be advertized, and asked where the money for the project is in the budget. Councilman Uhteg felt it should come from reserve funds, as did the money for the Highway truck last year. Councilman Miller felt the Planning Board should review the plans, and that an asbestos study should be done, which is required by law. On a motion by Miller, seconded by Montgomery, the Board sent the poolhouse project plans on to the Planning Board for their review and input. Carried, 5 ayes, 0 noes.

Under New Business:

The Supervisor stated she has received a letter from a Citizens Committee, chaired by Beverley Rothleder, requesting funding for a Memorial Day Breakfast to honor the Veterans and the Firemen. Supervisor Hannon stated she has had several people express concerns that the entire Community should be allowed, and stated she would like to see more money given to the committee so that everyone would be allowed to share in a breakfast to honor the Veterans and the Firemen. On a motion by Earl, seconded by Miller, a letter to that effect will be sent to the Community Group.

Concerning Planning Board and ZBA training and attendance, Supervisor Hannon stated there is one Planning Board member and one ZBA member who have not attended the mandatory training. She stated there is a mandatory 4 hours per year of training. Attorney Joseph stated that a hearing needs to be held to remove a member, and stated that the Town could waive the training, but would have to do it in the form of a local law or ordinance. Councilman Miller stated that you cannot waive the training requirement because it is a State Law. Supervisor Hannon stated she was in favor of holding a public hearing before the next Town Board meeting on March 11, 2010, and Board members agreed. The hearing was scheduled for 6:00 PM.

Attorney Peter Sorgi and Engineer Mike Metzger, representing Chaffee Water Works, spoke to the Board asking that

the Town's new Environmental Fund, a \$25,000.00 per year payment from Waste management, be used for the upgrades to the water company, specifically to pay for the residents' cost of putting in service from the main to the residence. Mr. Metzger went on to explain the project and what has been done so far. Chaffee Water feels that the improvements would qualify as an "environmental" project. Councilman Earl stated she has researched and found that the USDA has money in the way of grants or low interest loans for water lines. Some Board members felt it would be unfair to promise three years' worth of the environmental fund to a small group of residents, and felt that the USDA loans should be explored, as well as a possible Town loan system and criteria from the environmental fund for the future.

Supervisor Hannon stated she has spoken to Tim Horner concerning the Springville Control Center. He suggested that since all of Sardinia's current representatives on the Control Center Advisory Board are Fire Company members, that the Town should have one representative that is not a Fire Company member. She suggested that Councilmen Montgomery and Earl take turns sitting in on those meetings. On a motion by Miller, seconded by Uhteg, Councilman David Montgomery and Councilman Cheryl Earl were appointed Sardinia's alternating representatives to the Springville Control Advisory Board. Carried, 5 ayes, 0 noes.

Supervisor Hannon stated that, concerning the appointment of a Town Justice to fill the vacancy created by the passing of Justice Nelson Lefort, she would like to advertize the vacancy and then interview applicants, and bring a recommendation back to the Board. Attorney Joseph stated that any appointee does not need to be an attorney, and the training is coming up. Supervisor Hannon stated that Judge Vossler has agreed to sit on the bench for the months of March and April and a resolution is needed to approve adjusting her pay for the two positions. Therefore, the following resolution, to be known as Resolution #12 of 2010, was introduced by Earl, seconded by Montgomery:

RESOLUTION #12 - 2010 Appointing New Town Justice and Payment of Fill in Town Justice

WHEREAS, due to the untimely passing of Nelson Lefort, the Position of Town Justice has become vacant

WHEREAS, pursuant to Town Law section 64(5), the Town Board may appoint a Town resident to fill the position until the next regularly scheduled election, at which time the voters will select a candidate to fill the position of Town Justice for a new four year term;

WHEREAS, the newly appointed Justice may not assume the duties of the Office of Town Justice until he or she completes the required training;

WHEREAS, the Office of Court Administration, at the request of the Town Board, will appoint a qualified Town Justice to fill in for the months of March and April, subject to the Town Board's agreement to compensate said individual, and,

WHEREAS, Sharlene Vossler, the current Town Justice for the Town of Sardinia has indicated that she would be willing to serve as a fill-in for March and April;

NOW THEREFORE BE IT RESOLVED, that the attorney for the Town is directed to request from Judge Markey that Sharlene Vossler fill in for the months of March and April, 2010 and that the Town Board authorizes Sharlene Vossler to be paid at her usual rate for the additional time expended in filling in until the replacement justice is

appointed.

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

The Supervisor stated that the following positions were not made at the Organizational meeting and now need to be made: ZBA secretary and Alternate, Planning Board secretary and Alternate, and Tiny Tots Sub. Therefore, the following resolution, to be known as Resolution #13 of 2010, was introduced by Miller, seconded by Montgomery:

RESOLUTION #13 - 2010 Additional Appointments

WHEREAS, the following positions were not filled at the 2010 Organizational Meeting for the Town of Sardinia;

Recreation Director **NOW THEREFORE BE IT RESOLVED** that the Town Board appoints the following individuals:

ZBA Secretary/Alternate	Carla Fuller at \$11:50 per hour
Planning Board Secretary/Alternate	Colleen Cottrell \$11.50 per hour
Tiny Tots Sub	Amy Pielechowski \$10.00 per hour

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

Supervisor Hannon stated that Town Clerk Betsy Marsh has asked for authorization to attend the annual NYS Town Clerk's Association training seminar in Saratoga Springs, NY, at a cost for room, registration and meals of \$573.00. The following resolution, to be known as Resolution #14 of 2010, was introduced by Earl, seconded by Montgomery:

RESOLUTION #14 - 2010 Approval of Expenditure for Town Clerk's Training

WHEREAS, Betsy Marsh, the Town Clerk, has requested that the Town Board approve the expenditure for her to attend training;

WHEREAS, the training requested by the Town Clerk is required by law and the Town Board concurs in this request;

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is authorized to incur the costs and expenses for her training not to exceed \$573.00 and the Town shall reimburse the Town Clerk for same.

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

The Supervisor stated that the Town Board needs to execute the 2010 Agreement to Spend Town Highway Funds, which has been prepared by the former Highway Superintendent and now needs to be signed by Board members. The following resolution, to be known as Resolution #15 of 2010, was then introduced by Montgomery, seconded by Uhteg:

RESOLUTION #15 - 2010 Approving Agreement to Spend Town Highway Funds

WHEREAS, the former Highway Superintendent recommend that the Town Board approve certain expenditures of monies levied and collected for the repair and improvement of highways and received from New York State for the repair and improvement of highways as set forth in the attached agreement;

WHEREAS, the current Highway Superintendent concurs with these recommendations;

NOW THEREFORE BE IT RESOLVED that pursuant to the provisions of Section 284 of the Highway Law, the Town Board agrees that monies levied and collected for the repair and improvement of highways and received from New York State for the repair and improvement of highways may be expended as set forth in the attached agreement, and that a majority of Members of the Town Board shall affix their signatures to said agreement.

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

Supervisor Hannon stated that the renewal of the maintenance agreement for the Town Hall/Community Center generator needs to be approved for 2010. Therefore, the following resolution, to be known as Resolution #16 of 2010, was introduced by Montgomery, seconded by Miller:

RESOLUTION #16 -2010 Authorizing the Maintenance Fee for Town Hall/Community Center Generator

WHEREAS, the Supervisor has requested authorization for payment for scheduled maintenance of the generator located at the Town Hall/Community

WHEREAS, there are funds available for maintenance which involve two service calls at \$468.00 per visit for a total annual fee of \$936.00.

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Milton Cat to perform scheduled maintenance on

the generator located at the Town Hall/Community Center for an amount not to exceed \$936.00.

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

Supervisor Hannon stated that new roll-out rugs are needed at the Town Hall/Community for safety and cleanliness purposes, at a cost of \$784.87, and she would like authorization to go ahead and purchase them. Therefore, the following resolution, to be known as Resolution #17 of 2010, was introduced by Earl, seconded by Montgomery:

RESOLUTION #17 - 2010 Authorizing the Purchase of Rugs

WHEREAS, it has come to the attention of the Town Board that rugs would improve safety conditions in the bathrooms and stairwells of the Town Hall:

WHEREAS, there are funds available for such purchase and it has been ascertained that such rugs can be purchased for the sum of \$784.87.

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor to purchase rugs for the bathrooms and stairwells of the Town Hall for an amount not to exceed \$784.87.

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

Landscape Architect Bill Arlow updated the Board on the Parks Master Plan, stating that they will be Parks Master Plan will be in the Clerk's office on Wednesday, and they would like to hold one more public input meeting, on Monday, March 8th, 7 PM in the gym. The Board agreed that he should schedule the meeting for Monday March 8th.

Denise Schiener of West Schutt Rd. thanked Highway Superintendent Hopkins for plowing the Genesee Rd. Park for access to the sledding hill, stating that there were 30 people there one day. She also asked if the Town would be hiring a Recreation Director, and Supervisor Hannon reported that she and Councilman Earl have been working on that and will continue to do interviews for that position.

On a motion by Montgomery, seconded by Earl and carried 5 ayes, 0 noes, the Board moved into Executive Session at 7:51 PM to discuss litigation.

The Board returned to Regular Session at 7:57 PM on a motion by Earl, seconded by Miller.

There being no further business to bring before the Board, on a motion by Montgomery, seconded by Miller, the meeting was adjourned at 7:58 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk

