

3-10-2011 – 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:

Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
Approx. 30 guests

The Sardinia Town Board held its Regular Town Board meeting for March on March 10, 2011 at the Sardinia Town Hall/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 February 10, 2011 Regular Board meeting, which were approved on a motion by Montgomery, seconded by Earl. Carried, 5 ayes, 0 noes.

Departmental Reports included:

Councilman Uhteg stated he has made phone calls concerning the state of the roads in the Town, and he has been told that they are working on them.

Councilman Montgomery reported that 58 resident wells were tested on Monday and Tuesday, February 14 and 15. He stated that the individual test results should be in tomorrow and will then be mailed. Mr. Montgomery stated that there are 15 people already signed up for the next round of testing, which will be conducted in April or May. He also stated that the AARP Defensive Driving course, scheduled for March 16th and 17th, is full.

Supervisor Hannon stated that the Waste Management quarterly report is due tonight and Tom Lewis has put a copy on the front table for anyone interested, and it is also on the website. She stated she attended a meeting with about 30 to 40 people, including other community leaders and politicians, held by Bertrand Chaffee Hospital to let everyone know that BCH is comparable to other area hospitals and to keep them in mind when needing a hospital. The Supervisor stated that the results of the Fireman's audit was handed out to Board members to review and will be on the agenda for next month's meeting. She also reported that the Building caretaker has now finished installing the new lights per the energy audit, and the grant money will be coming shortly. The Supervisor stated that Legislator Dino Fudoli will be holding an Erie County Farmland Protection Board planning meeting at 7 PM on March 21st at the Cornell Co-operative Extension. She also stated she has been working on copy machine quotes, and will report on that later in the meeting.

Councilman Earl stated that she has talked to USDA Rural Development and was told that they have no grant funds at this time, but they still have money for their low 1% interest loan program for septic, water, plumbing, furnaces, roofs, electrical, siding, etc. She also reported that Gernatt Asphalt Products will start paving the walking path at Manion Park soon, as soon as the weather breaks, and have also agreed to resurface the basketball courts at both the Manion and Genesee Rd. parks. Ms. Earl also stated that next month the concerts in the park schedule should be complete, with concerts scheduled for at least once a month for the summer, on Tuesday nights. The Supervisor noted that these are all being sponsored by organizations. Councilman Earl stated that the registration forms for recreation and swim lessons will be on the Town's website, as well as the employment application. She stated that at the Youth Board meeting, a schedule for adult lap swimming was discussed, and it was felt that if the open swim closed at 7 PM instead of 8 PM, the adult lap swim could be from 7 PM until 7:30 PM with only one lifeguard, and would save the Town in payroll. Councilman Earl then asked for authorization to advertize for lifeguards and recreation staff. On a motion by Earl, seconded by Miller, the placement of the ads was authorized. Carried, 5 ayes, 0 noes. Ms. Earl stated that she has checked to make sure there will be no conflict with the pool opening on June 25th and the swim lessons starting on July 5th, and has found that there will be no problem. She reminded that there is another movie and popcorn night scheduled for this Friday, March 11th, and the movie is "Invasion of the Tinysauruses". She also stated that the Youth Board would like some picnic tables in the corner by the pool where the stones are, and a Youth Board member will be contacting the Boy Scouts to ask them to build some for that purpose. Councilman Earl stated that she has checked out the Town of Sardinia signs and they look to be in good shape, with only one in need of repair, and that is a cross brace on the one on Rt. 39. She stated they could use painting on the backs.

Councilman Miller reported that he attended a Water Action Consortium meeting and there are no projects slated to be done in the Town of Sardinia, but gave a list of some of the other Towns where projects to be funded with grant money will be completed. Mr. Miller stated that the grills for the Parks are now here. He also stated he would like to see a letter from the Supervisor go out to the County Executive about the condition of County roads in the Town, to be a Notice of Defect so those who damage their cars can hopefully be reimbursed. Mr. Miller stated that the Planning Board has finished the proposed amendments to the Zoning Ordinance with the exception of the number of dogs, and those proposed amendments will be reviewed by the Attorney to the Town, who will then report back to the Board. Councilman Miller stated he has polled the Board members by e-mail about the possibility of increasing the mileage reimbursement rate. After discussion, it was decided that since the IRS rate will not be adjusted until June, the Town should wait until then. Mr. Miller announced that the Historical Society will be holding a square dance on April 2nd at the Meeting House, and music will be provided by Gene Hilts.

Highway Superintendent Donald Hopkins stated he has reviewed the bids for the tractor with loader, roadside mower, and street broom, and is now prepared to award the bid. Mr. Hopkins stated that Lamb & Webster was the low bid on the tractor

and loader, at \$30,500.00, and stated that this tractor actually has more horse power than the next lowest bid. Mr. Hopkins stated that Tri-County Supply was the low bidder on the mower, however it was a Bush Hog mower, and Mr. Hopkins felt that the counter balance on the Bush Hog is a safety hazard, and would rather go with the Rhino mower. The low bid on that style mower was Java Farm Supply, but only by \$225.00, and both he and Java Farm Supply felt it made more sense to go with Lamb & Webster for that equipment, also, and keep it together at the same dealership. The Rhino mower would be from Lamb & Webster for \$8,375.00. The Highway Superintendent stated that Tri-County Supply was the lowest bidder on the broom, and though there were several bidders who were offering York brooms, Tri-County was almost \$2,000.00 lower, at \$3,639.00. Mr. Hopkins noted that the whole package will cost \$42,514.00. Mr. Hopkins stated that the 5 obsolete tires were posted on Auctions International, and sold for \$499.00. He stated that the check should be received this week or next. Mr. Hopkins also stated that the next piece of surplus equipment he is contemplating offering up for auction on Auctions International is the 1957 tractor that the new Farmall/Case will replace. He stated he is talking to 2 separate dealers for an approximate value, so that he can set a reserve bid on that auction site. Lastly, he stated that the roads, especially the County roads, are very bad and the only thing that can be done until the weather warms up is to cold patch them. The Supervisor stated she will be attending a meeting with the County Executive in attendance next week or the week after and stated she expects the roads will be a topic brought up by most of the Town Supervisors.

Attorney for the Town Linda Joseph was unable to attend the meeting this month, but has submitted a report to the Board on Waste Management's application for a proposed permit modification to allow for a liquid waste solidification process at their facility. Supervisor Hannon read the report in its entirety. Ms. Joseph's letter stated that she, on behalf of the Town, has asked for more information from the DEC so that the Board may consider the required amendment to Waste Management's Special Use permit. She outlined the information still necessary, recommended what the Town should request from the DEC and Waste Management, and asked for input from the Board as to whether or not to request Lead Agency status under SEQRA, informing of the pros and cons of being so designated. The report is on file. The Supervisor stated she has asked Attorney Joseph to ask for an extension of 20 or 30 days for the Board to respond to the DEC, and encouraged Board members to go to Waste Management and check out the site.

Under Public Comments:

Mort Benstead of Curriers Rd. stated that in a 4 day period of time, 4 cars were disabled by the pothole in front of his house. He stated he has called the County, who came out and put a cone in the middle of the hole. He then put a sign on the cone that said "pot hole". He stated it is ridiculous, we pay taxes, and something needs to be done. The Supervisor stated that we all sympathize with that sentiment.

Ethel Heineman of Savage Rd. stated her heart ached when she read about the person, who wants to help, but was turned down by the Board for membership in the Fire Company. She then read a poem she wrote entitled "When the Tones Ring Out", a poem that she explained was about her and her family. She urged the Board to reverse its decision, and stated that the person turned down because they are a non-resident of the Town, lives only three miles from the Fire Hall.

Under New Business:

Supervisor Hannon stated that with the new accounting program, there is a new style Abstract. She stated that before the approval of the bills can be done, the two resolutions on tonight's agenda need to be approved, the first one being additional moneys being owed on the Firemen's LOSAP program. She stated that the Town has received notice from the administrator of the program that an additional \$42,549.00 is needed to fund the 5 year buy-back, which was mis-calculated. She stated it was suggested that the amount be paid for over a ten year period, but it would have cost the Town an extra \$8,000.00 to do it that way, and the Board felt that the Town has the money to pay it now, and that was the wise thing to do. She stated that an additional \$60,368.00 is also owed on the year 2010 for those 35 individual who earned active status, for a total of \$102,917.00 Councilman Montgomery stated that the original concept of the LOSAP agreement was sold on the idea that it would only cost \$30,000.00 to \$35,000.00 per year, and it is now nearly double that? The Supervisor explained that there would be fluctuation, depending on the number of people in the Fire Company. The following resolution, to be known as Resolution #17 of 2011, was moved for adoption by Earl, seconded by Uhteg:

**RESOLUTION #17 - 2011
APPROVAL OF PAYMENT FOR FIREMEN'S RETIREMENT PROGRAM**

WHEREAS, the Sardinia Town Board has received notice from the Firemen's Retirement administrator, Hometown Firefighters that an additional \$42,549.00 is needed to fund the buy-back program and an additional \$60,368.00 is needed for the year 2010,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes payment to Hometown Firefighters in the total amount of \$102,917.00 to cover the cost of the \$42,549 buy-back program and an additional amount of \$60,368 for the year 2010.

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

Supervisor Hannon stated there is also a budget transfer needed within the Fire District fund, and the following resolution, to be known as Resolution #18 of 2011 was moved for adoption by Earl, seconded by Miller:

**RESOLUTION #18 - 2011
APPROVAL OF TRANSFER OF FUNDS**

WHEREAS, the following transfer of funds is necessary to balance the Town books:

<u>Transfer from Amount</u>	<u>Account</u>	<u>Transfer to Amount</u>	<u>Account</u>
2917.00	SF9040.800	2917.00	SF9010.800

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the budget transfer of funds for this transaction.

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

Supervisor Hannon then asked for a motion to approve payment of General Fund Warrant #3 of 2011, including General Fund, Highway Fund, Fire Protection District Fund, and Street lighting Fund vouchers #143 through #214. The fund totals were: General Fund - \$19,511.37; Highway Fund – \$7,780.15; Street lighting Fund - \$960.06; and Fire Protection Fund - \$289,238.69, for a grand total of \$317,490.27. On a motion by Montgomery, seconded by Earl, all vouchers were approved for payment, carried, 5 ayes, 0 noes.

Under Unfinished Business:

Supervisor Hannon stated that the next item of business is a resolution is to award the bid for the replacement of the 1957 tractor. The following resolution, to be known as Resolution #19 of 2011, was moved for adoption by Miller, seconded by Earl:

**RESOLUTION #19 - 2011
AUTHORIZATION TO PURCHASE NEW TRACTOR**

WHEREAS, Highway Superintendent Donald Hopkins has requested the purchase of a I tractor and loader for the Town of Sardinia, and

WHEREAS, after completing the bidding process and reviewing received bids, Highway Superintendant Hopkins has requested the Town of Sardinia to purchase the Farmall tractor and loader at a cost of \$30,500 from Lamb & Webster, Inc., a Rhino mower from Lamb & Webster, Inc. at a cost of \$8,375.00, and a York broom from Tri-County Supply, Inc., at a cost of \$3,639.00,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the purchase of that equipment for a total expenditure of \$42,514.00.

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

The Supervisor asked if there was any discussion on the letter from the DEC regarding Waste Management's proposed liquid solidification process. There was no discussion.

The Supervisor stated that the next item is for a new dog shelter lease agreement, which she has discussed with the Dog Control officer, who, she stated, is agreeable to it, and she stated there is no change from last year. The following resolution, to be known as Resolution #20 of 2011, was moved for adoption by Earl, seconded by Uhteg:

**RESOLUTION #20 - 2011
APPROVAL OF SHELTER LEASE AGREEMENT**

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 Controller Officer expires on or about March 11, 2011;

WHEREAS, the Town has been satisfied with the services provided by Mr. DeGolier;

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to execute the attached Shelter Lease Agreement.

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

Supervisor Hannon stated the next resolution is for execution of the Chaffee-Sardinia Youth Baseball contract, which she stated was increased by \$200.00 in the 2011 Budget. The following resolution, to be known as Resolution #21 of 2011, was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #21 - 2011
APPROVAL OF CHAFFEE-SARDINIA LITTLE LEAGUE AGREEMENT**

WHEREAS, the Chaffee-Sardinia Little League 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 Little League, and

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to execute into a contract with the Chaffee-Sardinia Little League in the amount of \$1600.00.

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

Supervisor Hannon stated that Judge Vossler pointed out that the Town Board, during its annual audit for 2011, neglected to audit the late Judge Nelson Lefort's records for January and February 2010. She stated she has not had a chance to speak to Judge Vossler's Court Clerk Debbie Smith, but asked if everyone is available to audit those records on Friday March 25th at 10 AM. The following resolution, to be known as Resolution #22 of 2011, was moved for adoption by Earl, seconded by Montgomery:

RESOLUTION #22 - 2011

AUDIT OF JUDGE NELSON LEFORT RECORDS FOR 2010

WHEREAS, the Sardinia Town Board has previously audited the Justice Department (Hon. Sharlene Vossler and Hon. Ronald Thompson), and

WHEREAS, in order to be compliant with the State of New York, Honorable Nelson Lefort's books for 2010 should also be audited,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board reserves the date of March 25, 2011 at 10:00 AM to complete the audit for Hon. Justice Nelson Lefort.

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 to authorize the Town Clerk to attend the annual NYSTCA Conference at the Adam's Mark Hotel in Buffalo. Councilman Uhteg asked why the Clerk was not driving back and forth, rather than staying, and she explained that the seminars start very early in the morning, and to add an hour's drive makes for a long week. She stated that most of the Erie County Clerk's are staying at the Hotel. She also reminded that last year she had a \$300.00 scholarship for the Conference, due to being named Erie County Town Clerk of the Year. The following resolution, to be known as Resolution #23 of 2011, was moved for adoption by Earl, seconded by Miller:

RESOLUTION #23 - 2011 AUTHORIZATION FOR TOWN CLERK BETSY MARSH TO ATTEND CONFERENCE

WHEREAS, Town Clerk Betsy Marsh as requested to attend the NYS Clerks Association Conference from May 1 until May 4, 2011 in Buffalo, New York at a cost of \$526.00 for room and meals, and an additional \$100.00 for membership and \$60 for one additional meal, and

WHEREAS, the Sardinia Town Board recognizes the importance of training and gaining educational tools to assist in completing one's performance of his/her job, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the payment of \$526.00 for room and meals, and \$160.00 for membership and one additional meal for Betsy Marsh to attend the NYS Clerks Association Conference in Buffalo, New York from May 1 until May 4, 2011 in Buffalo, New York.

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

Supervisor Hannon stated that she has been looking into securing a new copy machine for the Town, and stated she has gotten quotes from Complete Office Solutions of Arcade, Duplicating Consultants of Amherst, and Western New York Imaging of Amherst. She also asked the Board what they feel about leasing vs. purchasing a machine, and stated that the lease payments would total over \$15,000.00, whereas the purchase price, with a maintenance contract, would be only \$7938.00. Councilman Uhteg agreed, stating he would rather purchase than lease. The other Board members agreed. Councilman Earl asked what the other prices were for purchasing, and Supervisor Hannon stated that the Duplicating Consultants cost was \$9,598.00, their color copier was \$9,868.64, their black and white was \$9,055.64; and Western New York Imaging's machine was \$11,069.00. The following resolution, to be known as Resolution #24 of 2011, was then moved for adoption by Uhteg, seconded by Montgomery:

RESOLUTION # 24 - 2011 APPROVAL OF PURCHASE OF COPY MACHINE

WHEREAS, Supervisor Hannon has met with three companies regarding the possible purchase or lease of a new copy machine for the Town of Sardinia, and

WHEREAS, after careful review and consensus of the Town Board, the approval of purchasing a copier from the company Complete Office Solutions, of Arcade, NY, in the amount of \$7,938.00 is hereby authorized, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the purchase of a copier from Complete Office Solutions in the amount of \$7,938.00.

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 for authorization to pre-pay the Justice Court Fines and Forfeited Bail amount to the State Comptroller, the reason being is that there is a late fee attached if not sent by a certain date, and that date does not always coincide with the date of the Town Board meeting. She stated if it could be approved by the Board as a pre-pay, the late fees could be avoided, same as is done with utility payments. The following resolution, to be known as Resolution #25 of 2011, was then moved for adoption by Earl, seconded by Montgomery:

RESOLUTION #25 - 2011 APPROVAL OF PRE-PAY FOR NEW YORK STATE FINES AND FORFEITED BAIL

WHEREAS, the Sardinia Town Board has agreed to certain bills being paid before the Town Board meetings at their organizational meeting in January of 2011, and

WHEREAS, Supervisor Hannon would like to address the need to pre-pay the New York State bills the Town of Sardinia each month for the Justice Court's fines and forfeited bail monies that are due to the State of New York, and

WHEREAS, these amounts are billed with a penalty fee if not paid by a certain date, and

WHEREAS, the Town Board meetings do not always adhere to the date requested of payment by New York State, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes payment of the New York State Fines and Forfeited Bail amounts on a monthly pre-payment basis.

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

Supervisor Hannon stated the Town has received a letter requesting use of the Town Hall/Community Center gym for Weather Spotter training, by the Pioneer Radio Operators of the Tri-counties (PROS). The session would be given by the National Weather Service, on April 6, 2011 at 7:00 PM, for no charge. The Supervisor stated that she feels this would be a community service, and would like to waive the Certificate of Insurance requirement, and allow PROS to use the building at no cost. On a motion by Earl, seconded by Uhteg, the Board approved the request, and agreed to waive any fee and insurance requirement. Carried, 5 ayes, 0 noes.

Supervisor Hannon informed the Board that she has received a letter of resignation from Town Constable Larry Becker, citing his full time employment obligations. The Supervisor asked for authorization to advertise the position of Constable. On a motion by Earl, seconded by Montgomery, the Supervisor was authorized to advertise to fill the vacancy in the Town Constable position. Carried, 5 ayes, 0 noes.

There being no further business to come before the Board, on a motion by Earl, seconded by Montgomery, the meeting was adjourned at 7:20 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk