

4-8-2009 – REGULAR TOWN BOARD MEETING

Present:

Councilman Mary L. Hannon
Councilman David L. Montgomery
Councilman Heather M. Phelps
Councilman Norman J. Uhteg
Supervisor Kathleen M. Balus

Also Present:

Highway Superintendent Walter J. Baker
Town Clerk Betsy A. Marsh
Approx. 45 guests

The Sardinia Town Board held its regularly scheduled Board meeting for April on April 8, 2009 at the Sardinia Town Hall/Community Center. Supervisor Balus called the meeting to order at 7:30 PM, with a Moment of Silence and the Pledge to the Flag.

The Town Clerk has submitted the minutes of the March 11, 2009 regular Town Board meeting, which included only actions taken, per request of the Supervisor. A Motion made by Phelps, seconded by Uhteg, to approve those minutes was carried, 5 ayes, 0 noes. Councilman Hannon stated she would like the minutes to contain more of the discussions held. The Supervisor stated she would prefer having no interpretation rather than the incorrect interpretation. Councilman Hannon made a motion, seconded by Montgomery, to go back to minutes which include discussions held by Board members, with Privilege of the Floor noted, but no other audience comment included. Carried, 5 ayes, 0 noes.

The Supervisor stated there would be presentation on the status of the Chaffee sidewalk project. She gave a brief history of the project, stating that a CDBG grant in the amount of \$90,000.00 had been awarded for that project in 2006. The project has been delayed due to problems with the Chaffee Water Company water lines project, and this is the last year that the sidewalk project can be completed, or the Town will lose the grant. She noted that not using the grant money would also be a strike against the Town when it applies for such funding in the future. Russ Stoll of TVGA was on hand to address the Board. Mr. Stoll stated that the hope had been that the sidewalk project be done in conjunction with the Chaffee Water Co. water line upgrade project. He stated that if the Board feels they now want to go forward, it should be done as a stand alone project, rather than with the Water Company project, and stated that, for example, the Town will have to comply with rules such as paying prevailing wage rates, whereas the Water Company, being a private company, does not. He stated that the drawings and designs have been done already, and TVGA would now have to prepare bid documents, as well as performing other administrative duties. Mr. Stoll stated that it will cost the Town approximately \$10,285.00 in further engineering fees to complete the project. Supervisor Balus stated that the grant includes a reimbursement of \$15,000.00 for engineering fees. She also stated that the Town will put off the sidewalk project as long as possible to allow for the water lines to go in, but unless that work is started early in the summer, feels that the Town should move forward. Rod Franz, owner of the Water Company was granted permission to speak, and stated that he will contact his engineer to get a better idea of when they will start, but intends to have the project completed this summer. Councilman Uhteg stated that the sidewalks will now only be constructed on the opposite side of the street from the water mains, and only the lateral lines will have to be pushed under the sidewalks. The Supervisor stated that the Town needs to authorize payment to TVGA in the amount of \$11,000.00 in order to move forward with the sidewalk project. The following resolution, to be known as Resolution #11 of 2009, was introduced by Phelps, seconded by Uhteg:

RESOLUTION #11 – 2009

RESOLVED, the Sardinia Town Board hereby authorizes payment in the amount of \$11,000.00 to TVGA Consultants for engineering fees and related work activities to be done to move forward on the Chaffee sidewalks project. Upon roll call vote: Hannon, no, Montgomery, abstained, Phelps, aye, Uhteg, aye, Balus, aye. So resolved.

The Supervisor stated that Mr. Stoll will also be working on the feasibility study for the Parks, and asked Councilmen Uhteg and Phelps when they would be available for a walk through of the Genesee Rd. Park with Mr. Stoll, and a walk through was scheduled for April 21st at 7:00 PM.

The Supervisor's report included:

- Community Cause - The Committee is looking for volunteers to head up this year's committee.
- A Meeting with Waste Management and Councilman Uhteg to further discuss the Host Agreement and also to review the Modification Application for the Borrow Area Use Plan
- A request was received from a Chaffee Resident to lower speed limit on Allen Road. Upon discussion, a motion was made by Uhteg, seconded by Phelps, to request a T-E 9 study be done on Allen Rd. for a speed limit reduction to 35 mph from Rt. 16, westerly for ½ mile. Carried, 5 ayes, 0 noes.
- A request was received from the Planning Board to review its recommendations for Zoning Amendments. The Supervisor asked Planning Board Chairman Dan Miller if the Planning Board had reviewed the ZBA's variance applications, and also asked if this would be the appropriate time to address commercial trucks in residential areas. Mr. Miller stated that the Town Board needs to take Lead Agency Status on the Zoning revisions. He also stated that the Town Board could look into the commercial truck question, but that it would not alleviate a problem that is existing before the revisions. The Town Board decided that a joint meeting would be held with the Planning Board at the Planning Board's regular meeting on May 6, 2009, at 7:00 PM, and asked the Town Clerk to advertise that meeting.

- A request has been received from the Memorial Day Citizen's Committee for funds for the 4th Annual Volunteer Appreciation Day for Veterans, Firemen and their families immediately following the Memorial Day Service; sign-up with the Supervisor's secretary if interested in volunteering. On a motion by Balus, seconded by Phelps, the Board authorized the expenditure of up to \$500.00 for the breakfast. Carried, 5 ayes, 0 noes.

Items for Discussion included:

- Supervisor Balus asked, if she made architectural plans available, would there be any support by Board members to fix up the pool bathhouse. Councilmen Uhteg and Phelps were in favor, Councilmen Hannon and Montgomery were undecided. The Supervisor asked Councilmen Hannon and Montgomery to visit Manion Park and come back with recommendations for any repairs or improvements needed, and asked Councilmen Phelps and Uhteg to do the same at the Genesee Rd. Park.
- The Supervisor asked for volunteers for a Citizens Committee to coordinate the concerts in the Park series.
- The Supervisor stated that the County Personnel Dept. is computerizing, and have notified that they are finding mistakes and inconsistencies in many of our Civil Service position titles from 2004, 2005, and 2006, and are asking for those records. They say that our lifeguards and recreation staff should be classified as seasonal, rather than part-time. She asked that note be taken that she was not Supervisor until 2007.
- The Supervisor asked Councilman Montgomery if the FOIL requests he is making to Fire Company are being made as a resident or a Councilman. He stated he is writing a book and is looking for information as a resident.
- The Supervisor also stated that the overhead pipes in the vault leak due to condensation and she asked Councilmen Uhteg and Hannon to get prices to possibly move the pipes out of the vault.
- Supervisor Balus asked the Highway Superintendent if the spring trash pick up has been scheduled. He stated he would like to conduct that pick up starting April 27th. The Clerk will advertise.

Councilman Phelps stated that there was an abandoned vehicle, a 2002 Ford Escape, left on their property. It is minus many, many parts. Her husband went to the DMV to find out what to do with it, and was informed that because it is worth more than \$1250.00, it is now the property of the Town of Sardinia. The Town must now auction it and keep the money. It was explained that it couldn't even be junked without a clear title. The Highway Dept. agreed to tow it to the Highway Garage, and Attorney DiFilippo be asked to review. Councilman Phelps also reported that the Wellness Day was not well attended, with only 20 people attending, due to the near-blizzard conditions on Saturday, and asked that the Recreation Dept. be allowed to re-schedule it for May 16th. She stated there may be no additional costs. On a motion by Balus, seconded by Uhteg, the Board agreed to allow the Wellness Day be held in the Town Hall/Community Center gym on Saturday May 16, 2009. Carried, 5 ayes, 0 noes.

Councilman Uhteg stated that, concerning the Historical Society, there is nothing going on there since a complaint, everything is stopped there. He stated that at the last meeting, 2 Automatic External Defibrillators were approved and have been ordered on State bid price, which is going to come in a lot cheaper than previously discussed.

Councilman Hannon asked about the policy for videotaping the meetings that was set back in 2006, which states that the meetings may be taped, but that the camera must be turned off before and after the meeting. She asked if the policy has been changed, and asked that either the policy be followed and enforced, or a new policy be adopted. The Supervisor gave some history of the policy. She stated that what was learned is that a policy is not a law, and there is no way to enforce it and that there is no assumption of privacy in a public building. The Supervisor stated that if Councilman Hannon would like to come up with something, please do. The following resolution, to be known as Resolution #12 of 2009, was introduced by Montgomery, seconded by Hannon:

RESOLUTION #12 - 2009

RESOLVED, the Sardinia Town Board hereby orders that at the end of Town Board meetings, the video camera be turned off or will be unplugged.

Upon roll call vote, Hannon, aye, Montgomery, aye, Phelps, aye, Uhteg, abstained, Balus, no. The Board agreed that the Constable be called to attend the meetings.

Councilman Hannon stated she has contacted Food for All, which is an organization, which helps people apply on-line for food stamps. She has arranged for them to be here on Tuesday nights from 6:30 to 8:30 PM. Councilman Hannon stated that the person who will be here is in the Town of Concord from 4:00 until 6:00 PM on those same nights, so it will work out Well. On a motion by Phelps, seconded by Montgomery, the Board agreed to allow Food for All to conduct this outreach program to come to the Town Hall/Community Center on Tuesday nights from 6:30 to 8:30 PM. Carried, 5 ayes, 0 noes. Councilman Hannon stated that Dick and Joann Rogers from the Senior Citizens could not be here tonight, but are asking for the Town to partially fund a trip for the Seniors. She stated they are charging the Seniors \$25.00, and are asking that the Town fund the balance, not to exceed \$3,500.00. She stated that the balance is due to the tour organizer by April 24th. On a motion by Phelps, seconded by Montgomery, the Town Board agreed that the Town will pay an amount not to exceed \$3,500.00 toward the trip, with the Senior Citizens paying a cost of \$25.00 each. Carried, 5 ayes, 0 noes. Councilman Hannon also stated she has gotten the information on the annual flu clinic and would be happy to run the clinic. She stated she has spoken to Tom Lewis of Waste Management and they would be happy to provide the luncheon as in the past. She stated she has contacted the VNA and has the available dates in October and November. The Supervisor stated it was fine with her if Councilman Hannon would take the ball and run with it, and asked her to come back with estimated costs and a date, and it will be put on the schedule. Councilman Hannon asked for approval to allow Waste Management to sponsor the luncheon. The Supervisor asked for a motion, and Councilman Hannon made a motion to allow Waste Management to sponsor a luncheon for the annual Senior Flu Clinic. Carried, 5 ayes, 0 noes.

Councilman Hannon asked about the correspondence from the elevator company with an estimate for the "Spring Cleaning" maintenance work, at the cost of \$1,850.00. She asked if this is over and above the Maintenance contract.

Supervisor Balus stated she had contacted the company, but the representative was on vacation. She stated that the person she talked to stated that it is apparently not something that is covered by our contract, and suggested that Councilman Hannon follow up on the proposal, and make a recommendation at the next meeting.

Councilman Montgomery reported on the proposed house numbering ordinance. He stated that Attorney DiFilippo has not gotten back to him. Councilman Uhteg stated he has spoken to the Code Enforcement Officer, who will research what other towns are doing. Mr. Montgomery asked if Senator Volker's office has gotten back to the Town; he has not. There is nothing new on the right-of-way question, either. Mr. Uhteg stated that the Fire Company would prefer uniform numbering signs on each house and business, since the calls come over as an address, not a name, due to privacy laws. Mr. Montgomery noted that the opportunity for the cheaper cost for signs has been lost. Councilman Uhteg stated he has spoken to the Code Enforcement Officer about the current Ordinance, and it is not being enforced. The Supervisor stated she feels the Board needs to continue to explore the idea. Mr. Montgomery also stated that the Rural Transit Service has a new van, and are looking for donations to the program.

The Attorney was absent, so there was no legal report.

The Town Clerk's monthly report for the month of March 2009 was submitted, as was the Code Enforcement Officer's report.

Highway Superintendent Walter Baker gave a report of Highway Dept. activities for the month. He stated that they were busy plowing again for the last few days, and had started the street sweeping, which will continue. He stated that the Spring Trash pick up is scheduled for April 27th. Concerning the pool, Mr. Baker stated that he has an estimate from Beauty Pools for work that needs to be done in order to meet the new codes for pool drains. He stated that their quote is \$1,330.00 for the work and LeisureCraft has quoted \$1,800.00. After discussion of what the quotes cover, Supervisor Balus asked Councilman Montgomery to review and make a recommendation at the next meeting. Highway Superintendent Baker then opened sealed bids for a new highway truck chassis and dump body/plow equipment. The bids were as follows:

Truck Chassis:

Regional International, Buffalo, NY	\$104,587.00 or \$108,529.00 with an aluminum cab
Fleet Maintenance, Inc., West Seneca, NY (2010 Freightliner)	\$91,896.00
Hunter Buffalo Peterbilt, Buffalo, NY	\$95,662.00
Kenworth of Buffalo, NY, Inc.	\$94,664.00

Dump Body & Plow Equipment:

Viking-Cives of WNY, Oakfield, NY	\$75,135.10
Valley Fab & Equipment, Boston, NY	\$73,601.00
Cyncon Equipment, Inc., Rush, NY	\$79,750.00

Mr. Baker stated that he and Charlie Furman, who helped draw up the specs, will review the bids for completeness and compliance with the specs, and report at the end of the meeting.

The Planning Board has submitted the minutes of its 1/7/2009, 2/21/2009, 2/4/2009, and 2/18/2009 meetings. On a motion by Phelps, seconded by Hannon, all reports and minutes were received and filed. Carried, 5 ayes, 0 noes.

After review by the Board, General Fund Warrant #4 of 2009, including vouchers #149 through #201, and totaling \$31,555.07; and Highway Fund Abstract #4 of 2009, including vouchers #47 through #64, and totaling \$12,160.57, were approved for payment on a motion by Uhteg, seconded by Phelps, and carried, 5 ayes, 0 noes. Councilman Hannon stated she is still looking for the invoice for the Firemen's Service Award Program. Supervisor Balus stated that we have not received an invoice yet for that due to paperwork that must still be processed. Ms. Hannon asked if we have found out if this will need to be paid back in fire tax next year. The Supervisor stated it is her understanding that it will come out of the General Fund and will not be taxed. She stated that because this is a Fire Company, and the Fire Company services the entire town, and there is a reserve, that the money can be taken out of the reserve. Councilman Hannon stated she has heard this before, and would like to see something in writing from the State Comptroller's office to that effect. Supervisor Balus stated that she and her secretary will be meeting with the Town's accountant and will ask. She suggested that Councilman Hannon coil the Comptroller's office. Ms. Hannon stated that she has, and has been told that it will have to come out of the Fire District tax, and if that is true, are we working on taking care of covering the Fire District tax for everyone. The Supervisor stated she is working on doing so with the Town Attorney and our accountant.

Under Privilege of the Floor:

Dan Miller, Chairman of the Planning Board asked the Supervisor about the status of the Yorkshire/Sardinia water

district, if the Town is still a member of the Southtowns Consortium, and the status of a Sardinia/Arcade/Yorkshire sewer district. Mr. Miller also asked about Board members meeting with Waste Management concerning the Host Agreement and proposed "Borrow Pit". He stated that the Planning Board has not gotten the Site Review paperwork yet, and it must go to the Planning Board, and then to the Town Board. Mr. Miller and the Board discussed several matters, including the Best Vision matter, TVGA Engineers, and the Waste Management. Mr. Uhteg clarified that Mr. Lewis of Waste Management asked for the meetings with Board members, not the other way around. Mr. Lewis stated that the application to the DEC for the Borrow pit was what was discussed, not the Site Review.

Owen Stacy of Chaffee spoke about the Chaffee Water Company. He stated his home has inadequate water pressure, and a large leak out front. He stated he has heard plans to upgrade the system for three years in a row now. He stated that the Town has money, and asked if the people of Chaffee don't deserve some of that money to fix up the water system. The Supervisor stated she doesn't think that the Town Board can do anything about a private company. He suggested that the Town put in a town-wide water system.

Rod Franz, owner of the Chaffee Water Company, stated they are trying to fix the leaks and get the pressure up. He suggested the Town could give the Water Company a small loan. He asked that the Waste Management application for a mining permit include a clause that if the water is affected, Waste Management will provide water until it is determined why the water was affected, as the Gernatt permit does. The Supervisor suggested that he read the application, stating it is not a mining permit. She stated she is not sure if the DEC permit is public yet, but suggested he speak to Tom Lewis of Waste management. Councilman Montgomery asked if there is any way to get the broken line fixed, and Mr. Franz stated that he does not have the money to do that until he gets the grant money and okay from the Public Service Commission.

The Supervisor stated there is a proposal on the table to approve an Asbestos and Lead Paint Inspection and Revised Air Sampling at the Sardinia Meeting House, in the amount of \$2,668.00. She asked for a resolution to authorize the execution of that contract. The following resolution, to be known as Resolution #13 of 2009, was introduced by Phelps, seconded by Uhteg:

RESOLUTION #13 – 2009

RESOLVED, the Sardinia Town Board hereby authorizes the Supervisor to execute the contract between the Town of Sardinia and Stohl Environmental, LLC for Asbestos and lead Paint Inspection and air sampling at the Sardinia Meeting House, in the amount of \$2,668.00.

Upon roll call vote, Hannon, aye, Montgomery, aye, Phelps, aye, Uhteg, aye, Balus, aye. So resolved.

Councilman Phelps has requested that Recreation Director Jim Helmicki be authorized to spend a total of \$2000 on two trips for the Summer Recreation Program. On a motion by Uhteg, seconded by Hannon, \$2,000.00 was authorized for 2 summer recreation trips. Carried, 5 ayes, 0 noes. Councilman Phelps informed that the trips include one on the Arcade & Attica Railroad, and one to the Lockport Caves.

The Supervisor stated that she has received a letter from the DEC asking for a response by April 27, 2009, as to whether or not the Town will accept the DEC as Lead Agency for the SEQR Lead Agency Coordination for the Chaffee Landfill (WM) Borrow Area. She stated she has spoken to the Attorney for the Town, who recommends that the Town allow the DEC to take Lead Agency status, with the Town listed as an Involved Party. On a motion by Hannon, seconded by Phelps, the Town requests that the DEC take Lead Agency Status, and the Town be an Involved Party, in the Waste Management Borrow Area permit modification SEQR process. Carried, 5 ayes, 0 noes.

Supervisor Balus stated that Assessor Thelma Hornberger has requested that the Sardinia Town Board adopt a resolution to retain the first Tuesday in June as "Grievance Day", rather than the new date adopted by Erie County, which would be the last Tuesday in May. The following resolution, to be known as Resolution #14 of 2009, was then introduced by Phelps, seconded by Hannon:

RESOLUTION #14 - 2009

RESOLVED, the Sardinia Town Board hereby directs that the Town of Sardinia Board of Assessment Review retain the first Tuesday in June as "Grievance Day", rather than the new date adopted by Erie County, which would be the last Tuesday in May.

Upon roll call vote, Hannon, aye, Montgomery, aye, Phelps, aye, Uhteg, aye, Balus, aye. So resolved.

Highway Superintendent Baker then reported on the truck and equipment bids, stating that two of the three bids for the truck chassis did not meet the specs, having wheel bases too short for the dump body, stating that Buffalo Hunter Peterbilt was the lowest bidder that met the specs at \$95,662.00, and that Viking-Cives met all the specs for the equipment and was the lowest bidder to do so at \$75,135.10. The following resolution, to be known as Resolution #14 of 2009, was then introduced by Phelps, seconded by Montgomery:

RESOLUTION #15 – 2009

RESOLVED, the Sardinia Town Board hereby authorizes Highway Superintendent Walter J. Baker to order a truck chassis from Buffalo Hunter Peterbilt, Buffalo, NY, the lowest bidder meeting specs, in the amount of \$95,662.00, and to order the dump body and plow equipment from the low bidder Viking-Cives of Oakfield, NY, in the amount of \$75,135.10.

Upon roll call vote, Hannon, aye, Montgomery, aye, Phelps, aye, Uhteg, aye, Balus, aye. So resolved.

The following announcements were made:

The next scheduled Town meetings are:

Regular Town Board Meeting- May 13th @ 7:30 PM

Planning Board meetings:

April 15th @ 7:30 PM

May 6th @ 7:30 PM

Other Information included:

Household Hazardous Waste Drop Off Day at Waste Management - April 25th, 8 AM until Noon

Town wide Trash Pick-up begins week of April 27th

Annual Kiwanis Easter Egg Hunt at the Town Park – April 11th, 1 PM

There being no further business to come before the Board, on a motion by Phelps, seconded by Uhteg, the meeting was adjourned at 9:20 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk