

4-8-2010 – 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 Linda Joseph
Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
Approx. 35 guests

The Sardinia Town Board held its Regular Town Board meeting for April on April 8, 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.

The Town Clerk has submitted the minutes of the March 11, 2010 regular Town Board meeting, and the March 16, 2010 Special/Emergency meeting to award bids for the Highway Equipment. Those minutes were approved and filed on a motion by Earl, seconded by Montgomery, and carried, 5 ayes, 0 noes.

Supervisor Hannon stated that according to the amendment to the HMA between Waste Management and the Town, Tom Lewis was to give the landfill's quarterly report this evening, one half hour before the regular meeting, but because of the two public hearing scheduled to precede the regular meeting, she has asked Mr. Lewis to submit the report in writing. She stated he has done so, the report is at the front table, and he has agreed to stay after the meeting to answer any questions. The Supervisor also stated that the grant writer she interviewed informed her that the NYSEDA grants for window replacements are extremely hard to get. She stated she is in the midst of putting together bids for the sidewalk grant, and may have to call another meeting before the May meeting. As to the pool house project, she stated that the Planning Board has reviewed and sent along their recommendations, but she stated she has not had time to review. She stated she and Councilman Montgomery met with architect Heather Nemec, who stated she has not given the final set of specs yet. The Supervisor stated there are a lot more expenses than we knew of. She asked Councilmen Earl and Montgomery to review the project and bring their recommendations back to the Board.

Councilman Uhteg stated he has e-mailed the a list of intersections that need streetlights, which includes Rt. 39 & Pratham Rd., Rt 39 & Van Slyke, Rt. 39 & Hakes Rd., Rt. 39 & Johnson Rd., Johnson & Middle Rd., Warner Gulf & Allen Rd., Allen & Domes Rd, and Middle Rd. & Pratham Rd. He stated he has contacted NYSEG who sent a representative to meet with him, and he found out that 6 of the lights need overhead wires run to them, and 3 need transformers. Mr. Uhteg stated that they have quoted an annual cost to be added to the light tax of \$239.00 per light, or \$1,495.00 per year for all, and a one-time cost of \$6,482.00 to run lines to install. Supervisor Hannon stated that the Pratham and Foote Rd. intersection, which is the back entrance to Sprague Brook Park, needs one also, as does Hutchinson Rd. at the dead end. Councilman Uhteg stated there are other intersections that need lights, also. It was noted that the cost per household would be about \$1.25 per year. The Supervisor asked how long it would take to get them up, and Mr. Uhteg was not sure. Councilman Earl stated that the quote may only be good for 60 days. Councilman Montgomery noted that the Hutchinson Rd. light was on Arcade Electric. It was decided to get started on the ones listed, and add in the future, as needed. Attorney Linda Joseph stated it may involve creating or expanding the lighting district. Councilman Uhteg stated he was told that all that is needed is a Town Board resolution. Mr. Uhteg reported that, concerning the Automated External Defibrillators (AEDs), the old application was never completed. He stated that Mike Shaw of the Fire Co. is willing to help him with it, but they need to start with an all new application, and they need to know who will oversee the equipment. He gave the paperwork and Mr. Shaw's phone number to the Supervisor. Concerning the Concert in the Park program, he stated he has tentatively scheduled June 15th from 6:30 to 8:30 PM with Gene Hilts and the Country Gentlemen. The cost would be \$300.00 and he will submit a voucher at the June meeting, so that Mr. Hilts can get paid that night. Mr. Uhteg stated he has a tentative booking for July, also, but will get back to the Board on that when it is more finalized.

Councilman Montgomery stated he has talked to the Department of Emergency Services who is looking to do a handicapped survey of all municipalities to assess the needs of the individuals and Senior Citizens, and they will get back to him when they finalize their plans. He stated he is setting up the flu clinic for the end of October; the Defensive Driving Course was cancelled due to not enough people signed up. It was discussed that perhaps they could check with AARP to schedule one for the fall. Mr. Montgomery stated that he has scheduled a NIMS workshop for May 3rd, here at the Town Hall/Community Center, from 6 to 8 PM. He stated he has a quote for the fence at Manion Park. He stated that there is 310 ft. of fence, and the quote from Springville Fence is \$3,850.00 to take down the old and install new. Supervisor Hannon asked that he get at least 1 or 2 more quotes

Councilman Earl reported that she met with the Youth Committee last Thursday evening. She stated there are approximately 25 applications for lifeguard and 10 for Recreation attendants, and interviews started Monday. She stated that there was discussion about enclosing Shelter #4 at the Genesee Rd. Park for sheltering kids in the event of bad weather, and asked if the Board would consider it. The matter was discussed and it was noted by the Clerk that this very popular shelter and it is booked and paid for months in advance. She felt it would take away from the Park experience to have it enclosed, and would have to refund reservation fees. The possibility of a temporary enclosure plan, or sliding wall instead was suggested. Councilman Earl stated that the Town Hall/Community Center playground needs some improvements, including a replacement of the spring-mounted frog, and painting or staining of the eagle's nest playground. Highway Superintendent Hopkins stated that he and Caretaker Dennis Dick had done an inspection of the playground equipment at the Parks and will work on needed repairs. Councilman Earl stated that the new bleachers for Manion Park have arrived, and are at the Highway Garage. Mr. Hopkins stated he would be doing the

work on the ball diamonds next week. Councilman Earl stated that Gernatt Asphalt has donated the fencing for around the diamond at Manion. Ms. Earl stated that she has gotten a quote of \$485.00 to replace the rusted mesh "Town of Sardinia" sign on Rt. 16, southbound, which holds the Kiwanis and other Sardinia organization signs. The Town Clerk stated that the Kiwanis has new signs which were to go on a board underneath the newer wooden signs, and once those signs are painted this spring, they would put them up. Councilman Earl asked if the mesh sign could then be removed, and it was agreed that it could. The Clerk also informed that the caretaker has been pricing replacement spring-mounted riding toys for the playground, and the lowest price so far is \$519.00. After discussion, it was felt that it should be removed for now, and an alternative piece of equipment sought. Councilman Earl stated she has attended the Springville Control Center's Advisory Board meeting last month, and there are some equipment issues. She stated there is a problem with the recorder, and may have to purchase a new one at a cost of approximately \$15,000.00. Jim Wiedemann, also on the Control Center's Advisory Board, stated that the current one erases the calls upon replay, and the company will not repair. He stated there was some kind of an oversight, the Control Center was never billed, and the Control Center never paid for the equipment. Ms. Earl stated she will keep the Board updated.

Councilman Miller stated that there is some concern over the streetlight blinking in front of the Old Town Hall/Meeting House. It was discussed, and it is believed that it is a Town light, not NYSEG's light. The Clerk asked if there is a pole number, and Mr. Miller stated he would check. He stated that the Historical Society has also installed a new sink in the kitchen there, and they are getting ready for their Open House on April 29th. Mr. Miller stated that he has concerns about the Backwoods Cloggers using the Meeting House. He stated that the floor needs refinishing, and wondered whose responsibility it would be. He stated there are other concerns, also, now that the Historical Society is renovating. The matter was discussed. It was noted that there is no contract or agreement of any kind, and they have just used the building for years, having gotten permission to do so from a previous Town Board. An audience member who is also a member of the Historical Society stated that the head of the Cloggers is giving lessons and charges for them. She did not feel that they should be allowed to use the building for a commercial purpose. The question was asked if they paid anything for the use of the building and the Town Clerk stated they give a donation to the Town each year, usually around \$200.00. A motion was then made by Earl, seconded by Miller that, due to liability issues, and the fact that the Supervisor is working toward turning the building over to the Historical Society, the Backwoods Cloggers will be given notice that they will only be allowed to continue to use the building until the end of the year. Carried, 5 ayes, 0 noes. Mr. Miller stated that, concerning the Town Hall/Community Center flag pole project, he has contacted contractors to give him quotes, but no one has met with him. He stated he is asking for quotes to relocate the flag pole closer to the sign, and run wiring to light the flag and the sign, and wire an outlet for plugging in the Christmas tree. On a motion by Miller, seconded by Earl, the relocation of the flag pole, and lighting of the flag and the sign will be advertized for bids. Carried, 5 ayes, 0 noes. Councilman Miller also suggested that the Board send a letter to the Erie County Dept. of Public Works and ask that the dead trees on Savage Rd. and Curriers Rd. be taken down to avoid having them fall into the road or on a vehicle. Supervisor Hannon stated that it had been addressed earlier in the year by Councilman Montgomery, but they haven't gotten back. Mr. Benstead from Curriers Rd. stated he had spoken to the County, who told him they are short staffed and have been unable to do the job. He also stated he met with the Planning Board and they have given their recommendation for the pool house and on the Parks Master Plan, as well as having submitted their voucher for registration for the required training classes.

Highway Superintendent Don Hopkins reported that the new brush chipper and the new truck have now been received, and if anyone needs mulch, they can just bring a vehicle to the Highway barn. He stated that the pickup truck has been delivered to Viking-Cives for the box installation. Mr. Hopkins stated he is looking for a rubber tired excavator, since the department's current one is very old and in need of repair. He stated that they would be sweeping the streets, and will be doing Chaffee again because of the Chaffee Water project. The Highway Superintendent reminded that the spring trash pickup is scheduled for April 19th and stated the ad would be in the Pennysavers. Mr. Hopkins stated they will pick up the trash and immediately after the pickup is done, will come back for the brush, which will be chipped, and on Saturday April 24th, Waste Management will be holding its Household Hazardous Waste Drop off day from 8 Am until noon.

Attorney for the Town Linda Joseph updated the Town on legal matters. She stated that has been assisting the Town Board by preparing resolutions and drafting the local Law. Attorney Joseph stated that they have also assisted on the sidewalks grant, and stated that the Supervisor has achieved a lot of savings there by using the County's bidding forms to make sure that the Town is compliant, and is hoping to piggyback with the engineering on the Chaffee Water project. She stated she will also be working on the lighting district project to make sure that it gets done expeditiously. Ms. Joseph also stated that they helped on the Carbon monoxide detector project, and will be working with the Supervisor on a contract with the grant writer.

Public Comments included:

Clinton Salmon of Sardinia stated that he was proud to announce that the Town's Meals on Wheels program started its 10th year on April 1st, and has grown from 3 clients to a high of 12 clients. He stated that currently, they are serving an average of 6 to 7 meals a day, and had accumulated \$5,000.00 in its treasury until the County took it away. Mr. Salmon stated that one of the reasons Sardinia's program is so successful is that we give our drivers mileage. He also thanked Waste Management and Gernatt Asphalt for helping purchase the needed equipment, stating that they have donated over \$5,000.00 for meal boxes. Mr. Salmon invited suggestions, and stated there is no set cost on the meals.

Laurie Button, Court Clerk for the late Justice Lefort, stated she was submitting a letter to Board members stating her concern over the lack of consideration for her as Court Clerk for newly appointed Justice Thompson. She stated she feels that she wasn't given the opportunity to speak to him, and was still interested in the job. She stated she feels that the reason she was not considered for the position is political. Supervisor Hannon stated she was sorry, that Ms. Button had done a fine job and should be congratulated, and she appreciated all the time that she had put into the position, but that it wasn't her call, that it was Justice Thompson's decision.

On a motion by Earl, seconded by Montgomery, General Fund Warrant #4 of 2010, including vouchers #165 through #214, totaling \$205,081.11; and Highway Fund Abstract #4 of 2010, including vouchers #42 through #55, and totaling \$78,056.10, were approved for payment. Carried, 5 ayes, 0 noes. Supervisor Hannon stated that she had not included it in the vouchers, but has received the bill for the Firemen's Retirement Pension plan, and has called a meeting with Damien Ulatowski, Fire Company President Danny Heineman, and the Fire Chief about the numbers and amount to try to understand how the figures were arrived at. She stated she would bring it up for consideration at the next meeting.

In Unfinished Business:

The Supervisor stated that Councilman Montgomery has put together a Memorandum of Understanding for Mutual Aid Assistance with other municipalities, and she asked for a resolution to adopt. The following resolution, to be known as Resolution #26 of 2010, was then moved by Miller, seconded by Montgomery:

**RESOLUTION #26 - 2010
APPROVAL OF EMERGENCY MANAGEMENT MUTAL AID ASSITANCE
MEMORANDUM OF UNDERSTANDING**

WHEREAS, Erie County has requested that the Town participate in a program which formalizes the process by which local governments may request assistance from neighboring disaster coordinators/emergency managers for serious events enter into an Emergency Management Mutual Aid Assistance;

WHEREAS, it is in the interests of the Town to participate in this program;

WHEREAS, the Town's disaster coordinator, emergency services coordinator, emergency manger and office staff have elected to participate in the Local Emergency Management Mutual Aid Assistance Memorandum of Understanding and will comply with the provisions of said agreement;

NOW THEREFORE, BE IT RESOLVED that Supervisor Hannon and Dave Montgomery, the Town's disaster coordinator are authorized to execute the Memorandum of Understanding on behalf of the Town.

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

The Supervisor stated that Councilman Montgomery has gotten quotes for carbon monoxide detectors to purchase for the environmental project, as agreed upon at the last meeting. Mr. Montgomery stated the lowest price is from Lowe's, and is a battery operated model, at a cost of \$16.10 each. After discussion, the following resolution, to be known as Resolution #27 of 2010, was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #27 - 2010
ENVIRONMENTAL PROJECT TO PURCHASE
CARBON MONOXIDE DETECTORS**

WHEREAS indoor air pollution can include undetected carbon monoxide which poses a serious threat to the health and safety of the Town's residents;

WHEREAS, carbon monoxide detectors can substantially reduce the threat posed by this harmful indoor air pollutant by warning residents when carbon monoxide in their homes reach dangerous and life threatening levels;

WHEREAS, many residents are unaware of the dangers posed by carbon monoxide and do not have adequate carbon monoxide detectors in their homes to warn them when this indoor pollutant has reached dangerous levels;

NOW, THEREFORE, BE IT RESOLVED, that the Town undertake an environmental project to provide Town residents with carbon monoxide detectors;

BE IT FURTHER RESOLVED, that the Environmental Committee is authorized to obtain quotations to purchase up to 100 carbon monoxide detectors at a cost not to exceed \$16.10 each;

BE IT FURTHER RESOLVED, that upon the approval of the purchase of carbon monoxide detectors the Town Clerk shall post in the Town Hall a notice advertising the availability of carbon monoxide detectors and shall also publish a notice in the Springville Journal and the Arcade Herald.

BE IT FURTHER RESOLVED that residents of the Town may pick up carbon monoxide detectors on a first come first served basis at the office of the Town Clerk by presenting to the Town Clerk proof of residency within the Town, and,

BE IT FURTHER RESOLVED, that upon the distribution of the first 100 carbon monoxide detectors the Environmental Committee shall report back to the Town Board regarding the need and desirability of authorizing the purchase of additional carbon monoxide detectors.

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 would like a resolution authorizing her to sign the contract for the grant for sidewalks in the Hamlet of Chaffee. Councilman Uhteg stated he wanted Allen Rd. included in the project, stating it was the most traveled road in the Hamlet, making it a safety issue. He stated there is no local law forcing residents to shovel the sidewalk. The Supervisor stated that she has spoken to several residents of Allen Rd. who do not want the sidewalks, nor the liability of having them in front of their homes, and she will not go against them. Other members of

the Board felt that may be something to go for in the future, but felt the project should be moved forward. Therefore, the following resolution, to be known as Resolution #28 of 2010, was moved for adoption on a motion by Earl, seconded by Montgomery:

**RESOLUTION #28 - 2010
TOWN BOARD APPROVAL FOR SUPERVISOR HANNON TO
SIGN, SUBMIT, AND EXECUTE CONTRACT
FOR SIDEWALKS IN CHAFFEE**

WHEREAS, the Sardinia Town Board hereby authorizes Supervisor Mary L. Hannon to make application to the Erie County Community Development Grant Consortium for funding of the following project:

1. Sidewalks in the Hamlet of Chaffee to Manion Park

AND, BE IT FURTHER RESOLVED to authorize Supervisor Hannon to sign, submit, and execute the contract with Erie County for this project.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Uhteg, no, Hannon, aye. So Resolved, 4 ayes, 1 no.

Supervisor Hannon stated that there are currently two vacancies that need to be filled, and a resolution is needed to appoint these individuals to those positions. The following resolution, to be known as Resolution #29 of 2010 was then moved for adoption by Miller, seconded by Earl:

**RESOLUTION #29 - 2010
APPOINTMENTS**

WHEREAS, the following appointments are needed to fill vacant positions,

BE IT RESOLVED, that the following individuals are hereby appointed to the stated positions, and at the stated rates of pay:

Mark Stevens, Park Attendant, PT	\$13 per hour, effective April 9, 2010
Ann Collins, Court Clerk PT	\$15 per hour, effective May 1, 2010

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Uhteg, abstained, Hannon, aye. So Resolved, 4 ayes, 1 abstention, 0 noes.

Supervisor Hannon stated she and Councilman Earl have interviewed a couple of applicants for the grant writer position, and are recommending that Connie Minor be appointed to the position. The following resolution, to be known as Resolution #30 of 2010 was then moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #30 - 2010
APPROVAL TO APPOINT GRANT WRITER FOR VARIOUS GRANT OPPORTUNITIES**

WHEREAS, the Town Board has agreed that having a Grant Writer available to search for possible grants is cost effective to the Town, and

WHEREAS, Supervisor Hannon has recommended that Ms. Connie Minor be appointed the Town's grant writer, and

WHEREAS, grants will be discussed and approved on a project basis, and

WHEREAS, the first grant to be addressed is for 50% reimbursement on our newly purchased wood chipper at a cost not to exceed \$500, and

WHEREAS, the next grants to be addressed are for the parks and for renovation work on the Community Center.

BE IT RESOLVED, the Sardinia Town Board hereby appoints Connie Minor as the Town of Sardinia's grant writer.

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 proposed resolution is for the adoption of Local Law #1 of 2010, a Law to provide for Training and Attendance Requirements for Planning Board and Zoning Board of Appeals members. Discussion was held, and the Supervisor stated that the law provides for a waiver from the training for hardship purposes, such as family illness out of State, or other instances, with Town Board approval. Councilman Uhteg stated he would like Section 3e and Section 4e to provide notification to the Town Board, rather than the Supervisor, of failure to comply with the training or attendance requirements. The Board agreed to those changes. The following resolution to adopt the Proposed Local Law #1 of 2010, to be known as Resolution #31 of 2010, was then moved for adoption by Montgomery, seconded by Miller:

RESOLUTION #31 - 2010
APPROVAL FOR NEW TOWN LAW REGARDING TRAINING AND ATTENDANCE REQUIREMENTS FOR
PLANNING AND ZONING BOARD MEMBERS

WHEREAS, Town Law Sections 267 and 271 provided that effective January 1, 2007, all Planning Board and Zoning Board of Appeals Members in New York State, as well as alternate members of those Boards, must complete a minimum of four (4) hours of training each year; and

WHEREAS, the above Sections of state law provide that a Planning Board or Zoning Board of Appeals Member shall not be eligible for reappointment to such Board if they have not completed the training required by law; and

WHEREAS, the Town Board held a public hearing on a proposed local law setting forth attendance and training requirements for members of the Planning Board and the Zoning Board of Appeals

NOW, THEREFORE, BE IT RESOLVED, that the Town of Sardinia adopt the following Local Law:

LOCAL LAW NO. 1 OF 2010
OF THE TOWN OF SARDINIA

Be it enacted by the Town Board of the Town of Sardinia as follows:

SECTION 1 - TITLE

This Local Law shall be known and cited as "Training and Attendance Requirements for Members of the Planning Board and Zoning Board of Appeals."

SECTION 2 - LEGISLATIVE INTENT AND PURPOSES

The purpose of this Local Law is to set forth the training and attendance requirements for members of the Town of Sardinia Planning Board and Zoning Board of Appeals and to set forth the procedures for monitoring compliance with these requirements.

SECTION 3 - TRAINING REQUIREMENTS AND PROCEDURES

- (a) Each member of the Planning Board and Zoning Board of Appeals shall complete a minimum of four (4) hours of training each calendar year as required under Town Law Sections 267 and 271.
- (b) The training requirements may be satisfied by educational activities substantially devoted to planning, zoning, community design, environmental issues, economic development, local government functions and practices, or other land use issues, such as 1) attending conferences, seminars or workshops; 2) participating in on-line training or tutorials; 3) attending college courses; and, 4) any other educational activities considered acceptable by the respective Board Chair. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity.
- (c) Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
- (d) Any new member appointed to fill the last twelve (12) months of a term shall not be required to have attended training to be reappointed to a first full term, but must comply thereafter with the requirements of this Section.
- (e) Each member shall provide the Chair of the respective Board with proof of attendance and/or completion of any training. The Chair of the respective Board shall notify the Town Board prior to the Town's annual organizational meeting, if any member of the Planning Board or Zoning Board of Appeals failed to complete the required training in the preceding year.
- (f) A member may apply to the Town Board for a waiver from the minimum four (4) hour training for any years of their appointed term due to a hardship and/or lack of reasonable training.

SECTION 4 – ATTENDANCE REQUIREMENTS AND PROCEDURES

- (a) Members of the Planning Board and Zoning Board of Appeals are expected to attend all regularly scheduled meetings, except in cases of illness, family emergency or personal commitments whose scheduling is not within the control of the member (e.g., weddings, anniversaries, birth of a child or grandchild, etc.)
- (b) If a member is unable to attend a scheduled meeting he or she shall, as soon as practicable, notify the Chair of the respective Board. Except in the case of illness or other emergency, notice shall be provided at least 24 hours in advance and the absent member shall make arrangement to provide the designated alternate with any documents necessary to prepare for and participate at the meeting.
- (c) Planning Board members must attend at least one meeting each month, and may not miss more than 6 meetings in any year.

- (d) Zoning Board of Appeals members may not miss more than two (2) successive meetings or more than 50% of meetings held in any year.
- (e) The Chair of each respective Board shall notify the Town Board if any member has failed to comply with the attendance requirements set forth above.
- (f) A member may apply to the Town Board for a waiver from the attendance requirements set forth in this local law based on hardship.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Uhteg, aye, Hannon, aye. So Resolved, 5 ayes, 0 noes. Concerning the new Parks Master Plan, the Supervisor stated that there have been numerous public meetings for public input, and Mr. Arlow and his partner are here tonight, and will be willing to stay after the meeting to take questions from the public. She stated she would like the Board to accept the plan this evening and then pass it along to the Planning Board for their review. Councilman Uhteg stated he has not had a chance to look at it, and the matter was tabled until the May meeting. Supervisor Hannon stated she was pleased to hear from the grant writer that having adopted such a plan of this sort is now needed for being awarded most grants.

The Supervisor informed that she has received a letter back from the Beverly Rothleder of the Community Breakfast Committee declining to open up the breakfast to the entire community with increased funding from the Town, and read the letter. It stated that the Committee will continue the breakfast as in the past, for only the Veterans and Firemen and their families, and declined the funding from the Town.

The Public Hearing concerning ZBA member Theodore Krolick was then discussed. Councilman Miller stated he was the Chairman of the Planning Board before becoming Councilman, and he knows that the training requirement has been policy for several years now, and that it is the duty of the Chairman of each of those boards to make sure this is done. Councilman Earl agreed. Councilman Uhteg stated there was no previous local law requiring the training and he feels that Mr. Krolick is level headed and sees no reason to dump him for 6 or 7 months of no training. Supervisor Hannon stated she could have easily agreed to a waiver but there has been no explanation of why the training requirement wasn't met, and she then asked for a motion to adopt Resolution #32 of 2010, which she then read at that time. After hearing the resolution, Mr. Uhteg stated that there is no town law, that the Board just enacted it tonight. Attorney Joseph explained that the resolution refers to NYS Town Law, which has been on the books for years. Mr. Uhteg stated that it sounds to him like Mr. Krolick is being railroaded. A motion to adopt was made by Montgomery, seconded Miller:

**RESOLUTION #32 - 2010
REMOVAL OF THEODORE KROLICK FROM THE ZBA**

WHEREAS, the Town Law 267 requires each member of the Planning Board and Zoning Board of Appeals shall complete a minimum of four hours of training each calendar year, and

WHEREAS, Mr. Krolick, a member of the Zoning Board of Appeals, had not completed the required training during 2009, and

WHEREAS, the Town Board had a Public Hearing on whether or not Mr. Krolick should be removed as a member of the Zoning Board of Appeals based on his failure to receive the required training, and

WHEREAS, the Town Board has made the following findings:

- 1) Mr. Krolick failed to receive the required training.
- 2) Mr. Krolick did not offer any reasonable explanation for failing to meet the minimum training required under Town Law 267.
- 3) By failing to obtain the required training, Mr. Krolick did not meet the minimum requirements necessary to carry out his responsibilities as a member of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that Mr. Krolick's failure, without excuse, to obtain the training required under Section 267 of the Town Law constitutes good cause for his removal from the Zoning Board of Appeals, and that Mr. Krolick is hereby removed as a member of the Zoning Board of Appeals, effective immediately.

Upon roll call vote, Earl, aye, Miller, aye, Montgomery, aye, Uhteg, no, Hannon, aye. So Resolved, 4 ayes, 1 no.

Supervisor Hannon stated she has received a letter from the Code Enforcement Officer, and Justice Vossler concerning the possibility of holding a second Prosecutor Night each month, and is looking for a motion to adopt the resolution to do so. On a motion by Earl, seconded by Montgomery, Resolution #33 of 2010 was moved for adoption, as follows:

**RESOLUTION #33- 2010
COURT REQUEST FOR ONE ADDITIONAL COURT NIGHT
FOR PROSECUTING ATTORNEY**

WHEREAS, the Town Board has recently received a letter from the Code Enforcement Officer and a letter from the current Town Justice regarding the overcrowding and long hours of the Court during the Prosecuting Attorney court date, and

WHEREAS, it has been determined that the Court has also increased the amount of income into the Town

significantly, and

WHEREAS, the current Prosecuting Attorney has agreed to attend an additional court date to both lower the amount of time spent in the Court room for each date AND lower the amount of individuals attending Court in the Town Hall, thereby eliminating the danger of overcrowding conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approve the Town Prosecutor to be paid an additional \$100.00 per month to represent the Town for one more additional court date, on an as needed basis.

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 would like an energy audit be done on the Town buildings, as suggested by the grant writer, so that the Town would be eligible for NYSERTA grants for projects such as window replacement and other energy saving projects. She asked that a resolution authorizing the audit be adopted. The following resolution, to be known as Resolution #34 of 2010, was then moved for adoption on a motion by Earl, seconded by Miller:

**RESOLUTION #34 - 2010
APPROVAL TO HAVE AN ENERGY AUDIT COMPLETED ON
TOWN OF SARDINIA OWNED BUILDINGS**

WHEREAS, the Town Board has agreed that grant opportunities exist and the Town of Sardinia should proceed with a grant writer to try to obtain these grants, and

WHEREAS, on the advice of the grant writer, the Town Board has agreed to obtain an Energy audit with CJ Brown Energy P.C. at a cost of \$100 per building owned by the Town of Sardinia, if the annual electric bill is under \$25,000, and

WHEREAS, if a successful grant is obtained for any of these buildings with regard to energy efficiency, the cost of this energy audit will be reimbursed.

THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves obtaining said energy audit.

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

Supervisor Hannon stated she had received this resolution from the Town of Newstead, and stated that she and Councilman Earl had the pleasure of attending the luncheon where the Erie County Town Clerk's Association honored Sardinia Town Clerk Betsy Marsh with the Erie County Town Clerk of the Year award. She stated that this resolution designates the week of April 19 through April 23, 2010 as Municipal Clerk's Week in New York State. The following resolution, to be known as Resolution #35 of 2010, was then moved for adoption on a motion by Earl, seconded by Montgomery:

**RESOLUTION #35 - 2010
MUNICIPAL CLERK'S WEEK
APRIL 19 THROUGH APRIL 23, 2010**

WHEREAS, the Office of the Municipal clerk, a time honored and vital part of the local government exists throughout the world, and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, the Municipal Clerk is the information center on functions of local government and the community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state and county professional organizations, and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Sardinia Town Board does hereby recognize the week of April 19 through April 23, 2010 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Betsy Marsh and Deputy Town Clerk Jennifer Bray for the vital services they perform and their exemplary dedication to the communities they represent.

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

The Supervisor stated that this was a package put together by Planning Board member Nancy Spink and recommended by the Planning Board. She stated that she would like next to see to see a requirement that the Town be reimbursed by the developer. She asked for a motion to approve Resolution #36 of 2010 for adoption. The

reolsoution was moved for adoption on a motion by Earl, seconded by Montgomery:

RESOLUTION #36 - 2010

TOWN BOARD APPROVAL OF PROPOSED SPECIFICATIONS FOR ROADS WITHIN THE TOWN OF SARDINIA

WHEREAS, the Planning Board has submitted to the Town Board proposed specifications for roads improved and constructed by others and offered to the Town for incorporation into the Town Highway System;

WHEREAS, the Town does not currently have a full time Town Engineer; and,

WHEREAS, the Town Board finds that it would be beneficial for the Town Planning Board and Town Highway Superintendent, in carrying out his responsibilities under the proposed specifications, to consult with an independent engineer.

NOW THEREFORE BE IT FURTHER RESOLVED that the attached specifications for roads improved and constructed others and offered to the Town for incorporation into the Town Highway System are adopted with the following modification:

Application Procedures: Upon receipt of an application, and prior to submission of a proposed design for approval to the Town Board, the Town Board shall retain the services of a licensed professional engineer to assist the Planning Board and the Town Highway Superintendent in carrying out their respective responsibilities under these specifications. The Town Planning Board and Town Highway Superintendent shall consult with the engineer retained by the Town in reviewing the proposed plans and specifications for approval, inspecting any work and in carrying out their responsibilities under these specifications.

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

Councilman Uhteg asked if any company other than Paychex was asked to quote to do the Town's payroll service. The Supervisor stated that due to the confidentiality of doing payroll, she had wanted to go with a "name" company, and stated that if it does not work out with that company, the Town could go elsewhere. Mr. Uhteg stated he still disagrees and feels that the amount of money being spent every two weeks for 20 checks is expensive.

There being no further business to come before the Board, on a motion by Earl, seconded by Montgomery, the meeting was adjourned at 7:41 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk