

9-8-2011 – REGULAR BOARD MEETING

Present:

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

Absent:

Councilman David L. Montgomery

Also Present:

Attorney for the Town Linda Joseph
Town Clerk Betsy A. Marsh
Approx. 20 guests

The Sardinia Town Board held its Regular Town Board meeting for September 2011 on September 8, 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, asking for special thoughts for the victims of the 9/11/2001 terror attacks since we are coming up on the 10th anniversary of those attacks.

Supervisor Hannon then presented two commendations to Fire Company members who went to the Town of Schoharie on August 28th for a week to help out the residents there after Hurricane Irene, which devastated the town. The Fire Company members presented with the plaques were EMT Jarod Whitcomb and First Aid Captain Justin Ramsey.

The Town Clerk has submitted the minutes of the August 11, 2011 Regular Town Board meeting. On a motion by Earl, seconded by Miller, those minutes were approved as written. Carried, 4 ayes, 1 absent, 0 noes.

Departmental Reports included:

Supervisor Hannon stated that she has received letters from the Fire Company notifying that they have two new members and stated she has been working on the 2012 Budget with Councilman Earl.

Councilman Uhteg commented on the letter sent by the Supervisor to the townspeople, stating it sounded like a campaign letter to vote down the existing LOSAP program, that he feels the letter should have been neutral and should have given all the facts and the numbers. He felt it should have mentioned all the pluses and minuses of the program, and that the letter only states someone's opinion. Mr. Uhteg stated he hopes he is afforded the opportunity to write his feelings about the present LOSAP program on Town stationary and using Town postage. He feels both sides of the story should be heard. He stated that since he has been a member of the Fire Company, for the past 33 years, the roster has been 45 to 50 members, never approaching 75. Councilman Uhteg also stated he received a couple of complaints concerning the lack of advertising for the second concert at the Park this summer, and stated that he was told that only 3 people were in attendance for the concert. He stated it was disappointing for whoever sponsored the music to pay all that money and not having advertising.

Councilman Miller stated he had attended a meeting of the Erie County Water Quality Committee, which is being renamed the Lake Erie Water Protection Alliance. He stated there will be a Public Hearing on September 21st for those wanting to comment on the use of the grant funding. He also informed that the County's Hazard Mitigation Plan, written in 2011, is now being updated and there is a public outreach process for the Fire Company and the Historical Society, and any other interested groups, to comment on the plan. Councilman Miller stated he would like to bring up discussion for a possible motion to move the Senior Citizens lending library from the basement to the third floor, stating that the library needs more room, and the Court wants to utilize ground floor space for a records room for their files. He asked for any comments from Board members. Councilman Earl stated that there has been some discussion that perhaps some of the townspeople could use the Tiny Tots room for a sign-in play date program on a volunteer basis. The Supervisor then explained to the audience that the room being suggested for the library is the former Tiny Tots reading room. It was discussed that this could possibly be incorporated into a library for all ages. Councilman Miller made a motion to move the Senior Library to the third floor. The motion was seconded by Earl, and the motion was carried, all present voting aye. Mr. Miller stated he is still looking into alternatives to the incandescent light bulbs in the Park Shelters. He stated one alternative would be fluorescent bulbs with covers to protect them from vandalism. He stated that there are other types of lights also, and the cost would be in the neighborhood of \$2,000.00. Councilman Uhteg stated he did not have a problem with any plan, except removing the lights, which would be going backwards. Mr. Miller stated he would also like the Building/Parks caretaker Al Hansen to look into the cost of new flagpoles for the two parks. He stated that on September 16th the Historical Society will be having its annual Fish Fry and mum sale; on October 16th, the Historical Society will be holding a Taste of Sardinia event at the Meeting House as a fundraiser for the Methodist Church, which will also include music by Paul Zittel and live and silent auctions; and on October 22nd the Historical Society will be having its annual Chinese Auction at the Meeting House.

Councilman Earl reported that, as mentioned earlier, the Youth Board discussed the possibility of having parents sign in for play dates using the Tiny Tots room and maybe the gym one day a week for a couple of hours. She stated it would be volunteer and at no cost to the Town. The Supervisor stated she thinks the Youth Board needs to do more work and come up with a more definite plan. Councilman Earl stated that the Recreation Department is also planning a visit to the Ressler Farm's Corn Maze in East Arcade on October 8th, and would like the Town to pick up some of the cost, which would be free for kids under aged 4, \$4.00 for kids aged 4 to 11, and \$6.00 for adults, for groups of over 20 people. They are suggesting that the Town pay the \$4.00 per child, and \$1.00 per adult, allowing the children to attend free of charge, and adults will pay only \$5.00 per person. On a motion by Earl, seconded by Uhteg, the Town agreed to pay the cost of admission for the Corn Maze, in the amount of \$4.00 each for children aged 4 to 11, and \$1.00 for each adult, not to exceed \$400.00 total. Carried, 4 ayes, 1 absent, 0 noes. Ms. Earl stated that the Rec Dept. is also looking into holding other upcoming events including a

pumpkin carving event at Manion Park, a Christmas Party in the gym, and a movie night. Concerning the fence along the south side of this building, she stated that Highway Superintendent Hopkins gotten 3 quotes for the 6 foot tall, approximately 100 feet of fence that is in bad shape. The quotes were \$3,450.00, \$1,880.00, and the lowest quote of \$1,785.65 from Springville Fence. On a motion by Earl, seconded by Miller, the Board voted to have the 100' of chain link fence on the south side of the Town Hall/Community Center replaced by Springville Fence at a cost of \$1,785.65. Carried, 4 ayes, 1 absent, 0 noes. Councilman Earl stated that the Sardinia Justice Court is looking for permission to apply for a NYS JCAP grant, and the deadline to apply is September 15th. On a motion by Earl, seconded by Miller, the Justice Court was given permission to apply for a JCAP grant. Carried, 4 ayes, 1 absent, 0 noes.

Attorney for the Town Linda Joseph reported that this month, she made a motion to dismiss the Four Lakes Management assessment lawsuit, which will be heard on October 3rd, and she also gave advice to the Planning Board concerning a letter they were drafting to the Village of Arcade.

Public Comments included:

John Schiener, Treasurer of the Fire Company, commented on the proposed resolutions to terminate the Firemen's Length of Service Awards Program, stating that he has not seen any figures to support or back up the large cost figures that have been put in these resolutions. He also asked about the impact on the members who are 65 years old or older, and those who have 5 years or less service.

Michael Hannon of Pratham Rd. stated he is looking forward to the LOSAP administrator Mr. Heeter's answers on that issue. Mr. Hannon stated that those already vested in the current program would still be vested and it won't change what's already there. He stated it will go back to the voters to decide to leave it alone or to go to the less expensive option.

Attorney Linda Joseph stated that this is why there is a second resolution tonight, to clarify the numbers. She also informed that those Fire Company members who are already collecting money from the current LOSAP plan may also participate in the Defined Contribution plan, and the vesting in that plan only takes 1 year. She stated that the Defined Benefit plan will continue for those vested.

Supervisor Hannon stated there is a Budget transfers necessary within the General Fund Budget, and the following resolution, to be known as Resolution #68 of 2011 was moved for adoption by Earl, seconded by Miller:

**RESOLUTION #68 – 2011
APPROVAL OF FUND TRANSFER**

WHEREAS, the Town of Sardinia Board approves the following transfer of funds:

<u>TRANSFER FROM</u>	<u>AMOUNT</u>	<u>TRANSFER TO</u>
A1620.220 - TH Improv.	83.05	A1620.490 Oper of Bldg. Other

NOW, THEREFORE BE IT RESOLVED, the Sardinia Town Board approves the above mentioned transfer of funds for 2011.

Upon roll call vote: Earl, aye, Miller, aye, Montgomery, absent, Uhteg, aye, Hannon, aye. So Resolved.

On a motion by Earl, seconded by Miller, Abstract #9 of 2011, including vouchers #566 through #626, totaling \$79,648.99, with the General Fund portion of that amount totaling \$13,842.94; the Highway Fund portion totaling \$64,985.69; and the Street lighting District Fund totaling \$820.36; was approved for payment. Carried, 4 ayes, 1 absent, 0 noes.

In Unfinished Business:

Supervisor Hannon stated that the next two resolutions, dealing with the LOSAP resolutions passed last month, are purely because they are adamant on making everything the right way. She stated that the original numbers were for 42 firemen, and there are 5 retirees, which she wanted included, so that bumped up the price for the minimum one. Councilman Earl stated she has spoken to some of the Firemen who are afraid the numbers look too high, and they did not want to lose all. She stated it is up to the voters. The Supervisor stated she is happy with the numbers. Discussion was held on the cost numbers for the new program and the old. Councilman Uhteg asked if she agrees that the major expense is now over, and Supervisor Hannon stated she did not agree, when you are talking about the difference between \$30,000.00 and \$60,000.00. She stated that because the resolution has to be set this up differently and because she wanted to make sure the right numbers are included, the Roberts's Rules of Order need to be suspended first so the second resolution can be re-addressed. The following resolution, to be known as Resolution #69 of 2011 was then moved for adoption by Earl, seconded by Miller:

**RESOLUTION #69 - 2011
TO SUSPEND ROBERTS RULES OF ORDER FOR PURPOSES OF CONSIDERING MOTION TO AMEND THE
PASSED ON AUGUST 11, 2011 ESTABLISHING A DEFINED CONTRIBUTION LOSAP PLAN**

WHEREAS, the Town Board adopted Roberts Rules of Order at its organizational meeting for the year 2011;

WHEREAS, the Town Board adopted on August 11, 2011 a resolution which places a referendum with respect to a defined contribution plan before the voters at the November 8, 2011 election;

WHEREAS, the Town Board wishes to consider amending the resolution passed on August 11, 2011 but concern has been expressed that such amendment may be in conflict with Roberts Rules of Order in that one year has

not elapsed since the August 11, 2011 vote on the resolution; and

WHEREAS, Roberts Rules of Order permit a violation of an assembly's own rules (except the Constitution) provided that the assembly first passes a resolution suspending the rule and its application.

NOW THEREFORE BE IT RESOLVED THAT Roberts Rules of Order and more particularly that rule restricting a re-vote and/or amendment of a prior resolution if less than one year has elapsed since the original vote is hereby suspended as to the Board's consideration and vote at the September 8, 2011 Town Board meeting on the amendment of the August 11, 2011 resolution which places a referendum with respect to a defined contribution plan before the voters at the November 8, 2011 election.

Upon roll call vote: Earl, aye, Miller, aye, Montgomery, absent, Uhteg, no, Hannon, aye. So Resolved.

Supervisor Hannon stated the next resolution is to make sure the numbers are accurate. She stated that the figures are spelled out in the resolution and include the costs of the death benefits as given to the Town by the Administrator, and his costs to run the plan. The following resolution, to be known as Resolution #70 of 2011, was moved for adoption by Earl, seconded by Miller:

**RESOLUTION #70 - 2011
AMENDMENT TO RESOLUTION #66 PASSED ON AUGUST 11, 2011
ESTABLISHING A DEFINED CONTRIBUTION LOSAP PLAN**

WHEREAS, the residents of the Town approved a referendum establishing a defined benefit Length of Service Award Program ("LOSAP") for the members of the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc.;

WHEREAS, the Town Board has adopted on August 11, 2011, a resolution abolishing the defined benefit LOSAP based on the higher than expected costs of this program and the risks that the Town could be required to make significant additional contributions in the future to make up for shortfalls in the expected returns on the funds invested in the program;

WHEREAS, the Town Board believes it is in the interests of the Town residents to provide some retirement benefits to the members of the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc. beyond those already vested;

WHEREAS, the Town Board desires to provide a defined contribution service award program to replace the defined benefit service award program only in the event that the voters approve the referendum terminating and abolishing the existing defined benefit service award program and approve a referendum in favor of establishing a defined contribution service award program; and

WHEREAS, General Municipal Law Sections 216 and 218 authorizes the establishment of a defined contribution service award program which can provide a retirement benefit to the members of the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc., while at the same time providing the Town and its residents with certainty as to the future costs of said benefits and also allows for the termination and abolition of existing service award programs when approved by the voters through referenda; and

WHEREAS, the Town Board adopted on August 11, 2011 a resolution which places a referendum with respect to a defined contribution plan before the voters at the November 8, 2011 election and the Town Board wishes to consider amending the resolution passed on August 11, 2011 by means of withdrawing said resolution and substituting this Resolution No. 70 of 2011, which is intended to clarify the prior resolution so as to ensure that the referendum for a defined contribution plan clearly includes and discloses the anticipated costs of the death benefit proposed as part of the proposed defined contribution plan.

NOW THEREFORE BE IT RESOLVED THAT Resolution # 66-2011 adopted is hereby withdrawn and be it further resolved that, subject to and only if the voters approve a referendum abolishing the existing defined benefit service award program for the members of the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc., the Town Board hereby authorizes a defined contribution service award program be adopted as follows upon the voters' approval of the necessary referendum:

- 1) The fire company having volunteer fire fighters who are potential participants in the program is the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc.;
- 2) The program will be administered by the Town of Sardinia;
- 3) The entitlement age under the program shall be 65;
- 4) The estimated annual cost of the program, is \$27,025.00, plus the cost of a death benefit (the amount of which will be \$10,000), the cost of which is approximately \$5150.00 per year for a total estimated annual cost of the program of approximately \$32,175.00, plus an administrative fee of \$1000 and \$5.75 per individual, totaling approximately \$33,445.25. This estimated annual cost of approximately \$33,445.25 includes \$28,295.25 representing the annual cost of the defined contribution of \$575 annually for each of 47 fireman, and the estimated annual administration fee of \$1,000, and an additional \$5.75 per applicant, plus the death benefit, the cost of which term insurance is approximately \$110 per fireman for each of 47 firemen. These estimates are based on the current number of volunteer fire fighters;
- 5) The number of years of service required to obtain a nonforfeitable right to a service award is 1 year;

- 6) The activities for which points shall be granted toward a year of fire service are set forth in the attached addendum to this resolution which addendum is incorporated by reference and is made part of this resolution;
- 7) The amount of the annual contribution to be made on behalf of each participant credited with a year of fire service shall be \$575. The maximum number of years for which a participant may receive annual contributions shall be forty years;
- 8) There shall be no contributions for fire service rendered for any years preceding the adoption of this program;
- 9) The program shall take effect on January 1, 2012, subject to the approval of a mandatory referendum by eligible voters and further subject to the voters' approval of the referendum terminating and abolishing the existing defined benefit service award program; and
- 10) A proposition authorizing the adoption of the program shall be submitted to referendum of the voters on November 8, 2011

NOW THEREFORE BE IT FURTHER RESOLVED that the following referendum be placed on the ballot for the November 2011 election:

Subject to and only if the voters approve a referendum abolishing the existing defined benefit Length of Service of Award Program for the members of the Memorial Volunteer Fire Company of Chaffee-Sardinia, NY, Inc., should the Town adopt a defined contribution Length of Service Award Program whereas the estimated annual cost of said program is approximately \$33,445.25, including \$28,295.25 representing the annual cost of the defined contribution of \$575 annually for each of 47 fireman, and the estimated annual administration fee of \$1,000, and an additional \$5.75 per applicant, plus the death benefit (the amount of which will be \$10,000), the cost of which is approximately \$110 per fireman for each of 47 firemen and, because the program is a defined contribution program, there is no monthly award to be paid to eligible volunteer fire fighters and instead each participant, upon reaching the entitlement age of 65 years or at a time when permanent total disability is established, shall be entitled to a benefit consisting of the amount resulting from the defined annual contribution made by the Town on behalf of such participant, plus interest, less necessary administrative costs.

Upon roll call vote: Earl, aye, Miller, aye, Montgomery, absent, Uhteg, abstained, Hannon, aye. So Resolved.

Supervisor Hannon stated that the next resolution is to have the funds from the Tiny Tots program transferred into the Winter Rec line. The following resolution, to be known as Resolution #71 of 2011, was then moved for adoption by Earl, seconded by Miller:

**RESOLUTION #71 – 2011
TRANSER OF FUNDS FROM TINY TOTS TO WINTER RECREATION PROGRAM**

WHEREAS, the Sardinia Town Board has agreed to cease the Tiny Tots Program for the fall/winter season, and

WHEREAS, the Sardinia Town Board agrees that there is a need to provide services to our youth during the fall/winter season with various activities/programs, and

WHEREAS, the Sardinia Town Board approves the transfer of funds from the Tiny Tots Program to the Winter Recreation Program to fund these activities/programs, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board agrees to transfer funds from the Tiny Tots Budget Line to the Winter Recreation Budget Line to fund activities/programs for the youth of the Town of Sardinia.

Upon roll call vote: Earl, aye, Miller, aye, Montgomery, absent, Uhteg, aye, Hannon, aye. So Resolved.

Supervisor Hannon stated that Waste Management will be holding a Household Hazardous Waste and Electronics Drop off day on September 24th from 8 AM until 12 noon, and there are fliers at the front desk.

The Supervisor stated that a Public Hearing is needed for the Community Development Block Grant program, and the hearing was set for October 13, 2011 at 6:15 PM. Supervisor Hannon also stated that she wanted to schedule a Special Meeting for a review of budget figures, and October 13th at 5:45 PM was scheduled for that meeting.

Councilman Earl stated she would like a motion authorizing advertisement of the Rec Department's Corn Maze trip. A motion was made by Earl, seconded by Miller, to authorize the advertisement. Carried, 4 ayes, 1 absent, 0 noes.

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

Respectfully Submitted,

Betsy A. Marsh

Betsy A. Marsh, Town Clerk

