

10-14-2010 – REGULAR BOARD MEETING

Present:

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

Also Present:

Attorney for the Town Linda Joseph
Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
25 guests

The Sardinia Town Board held its Regular Town Board meeting for October on October 14, 2010 at the Sardinia 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.

Supervisor Hannon noted that Arcade Herald reporter Judy Rix' is retiring and this will be her last Sardinia Town Board meeting. The Supervisor thanked Ms. Rix for all of her hard work over the years, and well wishes were extended to Ms. Rix.

The Town Clerk has submitted the minutes of the September 9, 2010 Regular Town Board meeting, and the September 30, 2010 Work Session on the 2011 Town Budget. On a motion by Earl, seconded by Uhteg, those minutes were approved as written. Carried, 5 ayes, 0 noes.

Supervisor Hannon reported that she has been working on the 2011 Budget; meeting with prospective LOSAP administrators, which will be reported on later by Attorney Joseph; and working on the Community Block grants, which she will discuss later. Supervisor Hannon stated she and Councilman Miller attended a meeting on the results of the energy audit and reviewed the recommendations, which include energy saving light bulbs and LED exit signs. She stated those will be handled by the Building Caretaker, and the estimated cost of the changeover will be \$4,000.00, which will be recouped in approximately 3.8 years. The Supervisor noted that the \$100.00 per building audit fee will be refunded when the work has been completed. Supervisor Hannon has spoken to Gernatt Asphalt concerning the blacktop walkway around Manion Park, which was a part of their variance. They hope to put the walkway in yet this year, weather permitting, but if not, it will be done next spring, and it will tie in to the new sidewalk into that park. The Supervisor stated that the leaky roof in the rear entrance of this building was repaired by the Building Caretaker, as well repairing some leaks and other problems at the pool house. Supervisor Hannon stated that the next regularly scheduled meeting falls on Veterans Day, a National Holiday, and after discussion, it was decided, on a motion by Earl and seconded by Montgomery, to move the November meeting to November 4, 2010. Carried, 5 ayes, 0 noes. The Town Clerk will publish the required notice of the change.

Councilman Uhteg had no report.

Councilman Montgomery stated that the date of the free rabies clinic has been moved to October 30th, and stated it will be held at the Highway Garage from 10 AM until noon. Mr. Montgomery also reminded that the Flu Clinic will be held on October 29th from 9 AM until 1 PM.

Councilman Earl reported that the Kiwanis Halloween party will held here in the gym on October 31st. She stated that at the Budget work session, funding cutbacks were made to the concerts in the park. She stated that both the Kiwanis Club and the Republican Party have come forward and offered to sponsor concerts, so the concerts will continue. Councilman Earl stated that concerning the employee handbook, she stated she will have the corrections made by the November meeting. She stated that the drug screening would be for new hires, and elected officials would be done on a voluntary basis. She stated there are a couple of ways the testing can be done, and is still looking into it. Concerning the Springville Control Center, they are in the process of drawing up a corrected contract with updated names.

Councilman Miller reported that the gutters have been installed at The Meeting House, and the furnaces will be discussed later in the agenda.

Highway Superintendent Hopkins reported that the rubber tired excavator was received by the Highway Department on Monday evening, they have used it on Schutt Rd., and it worked great. He stated that the sand and salt has already been put up, and they have been mowing roadsides. Concerning the energy audit on the Highway Garage, he stated they have sealed doors, and have contacted installers for a new efficient heating system in the office, at an estimated cost of \$1,800.00. He stated they have also recommended more energy efficient lights. Mr. Hopkins stated that the Chaffee Sidewalk project has now been completed, and the Highway Dept. did the blacktop approaches to the sidewalks. He stated that most residents are happy with the work. Supervisor Hannon informed Mr. Hopkins that she has spoken to the County, and that the blacktop used in the project is reimbursable through the CDBG funding.

Attorney for the Town Linda Joseph reported that she worked on the defibrillator policy so that it would be consistent with the NYS Health Dept. Law; in the Smithmeyer case, the black box inspection has now been done; a settlement has been reached in the West case in the amount of \$7,500.00; she prepared some letters to taxpayers concerning issues that needed to be addressed; and she attended a water line project meeting with members of the Town Board. Attorney Joseph stated that the major issue was the Firemen's Length of Service Award Program, and trying to get the best deal for everyone involved. She stated that she and the Board Committee of Supervisor Hannon and Councilman Earl have met with four prospective administrators for the LOSAP, including Affordable Benefits and Nationwide, Penflex/IBC Wealth Management; VFIS/Hartford; and Hometown Firefighter Services. She stated that representatives of the Fire Company were in attendance,

and she felt that there was a very serious effort to make sure that the LOSAP is handled in a way that protects the taxpayers and meets the obligations that the Town has under the program. She stated that the Board has come to realize that it needs to do two things: Develop an investment policy; and identify the right administrator for the funds. She stated there are serious problems with the plan documents, and explained some of those deficiencies, but stated she has determined nothing will be done since we are doing it correctly, even though the document is written incorrectly. Attorney Joseph stressed that this was not the fault of the Fire Company, but felt it was lack of oversight by the previous Town Attorney and Supervisor. Ms. Joseph noted that there were problems with the insurance required by Affordable Benefits, stating that they had required the more expensive "whole life" insurance, rather than "term" insurance, or the least expensive alternative, which is to self-insure. She stated that the Town had never been given the choice between "defined benefit" and "defined contribution" by Affordable Benefits, either, and explained the difference between the two, stating that the former Town Board was not included in most of the meetings where these decisions were discussed. Attorney Joseph stated that the Town is now trying to set this up properly, so are setting up an investment policy, and are recommending that the Town go with fixed annuities, rather than equity based investments, cutting out the risk. She cited the Town of Boston's recent \$300,000.00 shortfall in its LOSAP because of its equity based investments, which will have to be made up by its taxpayers. She stated that, Bottom line, it may cost a little bit more for fixed annuities but there won't be the risk of the big shortfall. Ms. Joseph stated that policies were drafted for each type of investment. An audience member noted how many fire companies are being affected because of the equity based investments. Attorney Joseph stated that many Towns are now switching to fixed annuities because of being burned by entering into the riskier type of investments. The Supervisor stated we still don't know how much the Town will lose. The Attorney stated again that the firemen are not at fault, rather it was decisions that were made by the last administration, stating that they dropped the ball. Ms. Joseph stated that, having spent so much time on the LOSAP issue, she did not get to the contracts with the Legion and the Historical Society, and she apologized to those in attendance for not getting those done. A Fireman in attendance stated that there were Town Board members at one or two meetings about the Firemen's Awards Program 5 or 6 years ago.

Under Public Comments:

David Malachowski stated that at the last meeting, he had tried to inform those in attendance about the Legion's flag burning ceremony, but was not allowed to speak because he had not signed in before the meeting, and stated he is glad to see that has changed. He stated also that he has been noticing streetlights that are out and suggested that the Board have someone drive around at night and get those pole numbers so they can be reported to the electric company, stating that the Town pays for the lights whether they are working or not. The Supervisor asked Councilman Uhteg if he could do that, and he replied that he would.

Tom Lewis, representing Waste Management, announced that there will be another Household Hazardous and Electronic drop off day on Saturday, October 30th, from 8 AM until noon, and stated there will be a mailer going out to each residences, as well as fliers at the front table.

Supervisor Hannon then asked for a motion to approve payment of the bills, and on a motion by Montgomery, seconded by Earl, General Fund Warrant #10 of 2010, including vouchers #534 through #580, totaling \$23,849.35, and Highway Fund Abstract #10 of 2010, including vouchers #126 through #149, and totaling \$117,604.41, were approved for payment. Carried, 5 ayes, 0 noes.

Under Unfinished Business, Supervisor Hannon stated that 7 employees have now been trained in CPR and the new AED's, and a policy for use of the lifesaving equipment has been drafted by Firefighter and EMT Mike Shaw. She stated that policy needs to be adopted so that the equipment can be installed. She also informed Highway Superintendent Hopkins that at the last meeting, which he did not attend, the Board agreed that the second AED could go to the Highway Garage until spring, when it will be installed at the pool. She stated that Mike Shaw would be willing to arrange for another CPR/AED class for the Highway Dept., and Mr. Hopkins agreed. Therefore, the following resolution, to be known as Resolution #74 Of 2010, was moved for adoption by Earl, seconded by Montgomery:

RESOLUTION #74 - 2010
APPROVAL OF POLICY FOR PUBLIC ACCESS DEFIBILLATORS

WHEREAS, the Sardinia Town Board recognizes the importance of life saving devices and has already approved the purchase of two PAD's for the Town, and

WHEREAS, the Town of Sardinia has offered training for the PAD's and hereby approves the appointment of Michael Shaw as the volunteer PAD coordinator as described in the policy provided to the Town Board, and

WHEREAS, after review and update, Attorney for the Town Linda Joseph has approved the policy for our Public Access Defibrillation Program,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the Policy for the Public Access Defibrillation Program and hereby appoints Supervisor Mary Hannon as the Company CEO, Michael Shaw as the PAD Coordinator, and Bertrand Chaffee Hospital as the Emergency Health Care Provider, as described in the Policy provided to the Sardinia Town Board.

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 to deal with the furnace replacement at the Meeting House, and the following resolution, to be known as Resolution #75 of 2010, was moved for adoption by Miller, seconded by Earl:

RESOLUTION #75 - 2010
APPROVAL OF FURNACE REPLACEMENT IN SARDINIA MEETING HOUSE

WHEREAS, the Sardinia Town Board acknowledges the need of a new furnace in the Sardinia Meeting House, and

WHEREAS, the Sardinia Town Board, during the September 9, 2010 Board meeting proposed to put the furnace specifications out for a sealed bid, and

WHEREAS, after the Town Board and Town Attorney reviewed the Town's Procurement Policy, it was noted that a sealed bid is not needed, and

WHEREAS, the Sardinia Historical Society has already priced out this project with three legitimate bids, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the replacement of the Sardinia Meeting House furnace bid to be awarded to: Vacinek Heating & Roofing, Inc at the price of \$12,120.00.

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

The Supervisor stated that after the Board had approved the cost for asbestos removal monitoring at the Meeting House in an amount not to exceed \$8,500.00, a memo was received stating that it would cost at least \$590.00 more. Therefore, the following resolution, to be known as Resolution #76 of 2010, was moved for adoption by Uhteg, seconded by Earl:

RESOLUTION #76 - 2010
APPROVAL OF EXTRA AMOUNT FOR PAYMENT TO MONITOR ASBESTOS REMOVAL FROM SARDINIA MEETING HOUSE

WHEREAS, the Sardinia Town Board, under a Motion by Councilman Uhteg, it was decided to approve payment for asbestos removal and a monitor for this project, not to exceed \$8500, and

WHEREAS, after further review, the projected additional cost of \$590 was placed on the hiring of a monitor for this project, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the additional cost of \$590, with a total cost not to exceed \$10,000 for the asbestos removal project with Stohl Remediation Services.

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

In New Business, Supervisor Hannon stated that, concerning a maintenance contract for the heating systems at the Town Hall/Community Center, and the Parks, she has contacted Heineman Plumbing and Heating, and Crabb Oil for quotes. She stated that Danny Heineman did not get back with a quote, but she was able to find an old contract, which was \$1010.00, and Crabb Oil's quote was \$512.00. Therefore, the following resolution, to be known as Resolution #77 of 2010, was moved for adoption by Earl, seconded by Montgomery:

RESOLUTION #77 - 2010
APPROVAL OF SERVICE CONTRACT FOR COMMUNITY CENTER AND PARK HEATING UNITS

WHEREAS, the Sardinia Town Board has, in the past, been entered into a service agreement contract for the maintenance and general repair of the furnace at the Community Center and at Veterans Park, and

WHEREAS, the Town Supervisor has requested prices from two companies in the Sardinia area and has determined a cost effective agreement with Crabb Oil, and

NOW, THEREFORE, BE IT RESOLVED; the Sardinia Town Board authorizes the Supervisor to utilize the services of Crabb Oil for general repair and maintenance for the furnaces at the Sardinia Community Center and the Sardinia Veterans Park.

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, budget transfers, is a housekeeping matter for bookkeeping purposes, and on a motion by Earl, seconded by Montgomery, Resolution #78 of 2010 was moved for adoption, as follows:

RESOLUTION #78 - 2010
APPROVAL OF TRANSFERS

WHEREAS, the Sardinia Town Board approves the following budget transfers for the 2010 Town of Sardinia budget:

<u>Amount</u>	<u>Transfer From</u>	<u>Transfer To</u>
\$1842.43	A1110.2 Mun. Ct., Equip.	A1110.4 Mun. Ct. Contr. Exp
\$1374.17	A1220.2 Supvr. Equip	A1220.4 Supvr. Contr. Exp.
\$8775.00	A1990.4 Contingency	A1220.48 Accountant
\$ 662.50	A7180.1 Spec. Rec Fac. Pool PS	A7020.1 Rec. Administrator PS
\$3749.13	A7180.1 Spec. Rec Fac. Pool PS	A7140.12 Playgrounds & Rec PS
\$1068.44	A1990.4 Contingency	A9060.8 Medical Ins. Gen.
\$10,842.04	A1990.4 Contingency	DA9060.8 Medical Ins. Highway

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board authorizes the above noted budget transfers for the 2010 Sardinia Town Budget.

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 application for Community Development Block Grant funding. She stated that there were three projects discussed during the Public Hearing, and she stated she would like to put them in order of priority. The following resolution, to be known as Resolution #79 of 2010, was moved for adoption by Uhteg, seconded by Earl:

**RESOLUTION #79 - 2010
APPROVAL OF COMMUNITY BLOCK FUNDS GRANT REQUEST**

WHEREAS, the Sardinia Town Board hereby authorizes Supervisor Mary L. Hannon to make application to the Erie County Community Development Block Grant Consortium for funding of the following projects, in order of priority, as follows:

- 1) Handicapped upgrade to the back entrance of the Town Hall/Community Center
- 2) Handicapped entrance to the Meeting House and Museum, and handicapped bathrooms there
- 3) Rural Transit Van funding

AND, WHEREAS, the Sardinia Town Board authorizes Supervisor Hannon to execute the contract with Erie County for such projects.

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the Supervisor to make application and execute the contracts with Erie County for the above mentioned projects.

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 Historical Society has sent a letter requesting use of the Town Hall/Community Center for their annual Chinese Auction. The following resolution, to be known as Resolution #80, was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION # 80 - 2010
APPROVAL OF SARDINIA HISTORICAL SOCIETY USE OF COMMUNITY CENTER FOR
CHINESE AUCTION**

WHEREAS, the Sardinia Historical Society has requested that the Town make available the Gymnasium in the Community Center for their annual Chinese Auction scheduled for October 23, 2010; and,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the Sardinia Historical Society to utilize the Community Center Gymnasium on October 23, 2010 for purpose of their Chinese Auction event.

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

Supervisor Hannon stated that another request for use of the Town Hall/Community Center was received from the Girl Scouts for a community fundraiser on November 13th, and this approval is pending the submission of a Certificate of Insurance. The following resolution, to be known as Resolution #81 of 2010, was then moved for adoption by Montgomery, seconded by Earl:

**RESOLUTION #81 - 2010
APPROVAL OF GIRL SCOUTS OF WNY ENCHANTED MOUNTAINS NORTHEAST
USE OF COMMUNITY CENTER FOR COMMUNITY PROJECT**

WHEREAS, the Girl Scouts of WNY Enchanted Mountains Northeast has requested that the Town make available the Gymnasium in the Community Center for their Community Service Project, as described in their letter, on November 13, 2010, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the Girl Scouts of WNY Enchanted Mountains Northeast to utilize the Community Center Gymnasium on November 13, 2010 for the purpose of their community service project.

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 Kiwanis has requested permission to hold its annual Halloween Party on October 31st at the Town Hall/Community Center, and has presented the Town with a Certificate of Insurance. The following resolution, to be known as Resolution #82 of 2010, was then moved for adoption by Earl, seconded by Miller:

**RESOLUTION #82 - 2010
APPROVAL OF CHAFFEE-SARDINIA KIWANIS USE OF COMMUNITY CENTER FOR ANNUAL HALLOWEEN PARTY**

WHEREAS, the Chaffee-Sardinia Kiwanis has requested use of the Community Center gymnasium on Sunday, October 31, 2010 for their annual Halloween Party,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby authorizes the Chaffee-Sardinia Kiwanis to utilize the Sardinia Community Center gymnasium for their annual Halloween Party on October 31, 2010.

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

Supervisor Hannon stated that a lot of time and legal fees have been spent on an investment policy for the Firemen's LOSAP program, and she stated she is confident that the best firm has been decided on. She stated this policy should have been in place for a long time, and appreciates all the work the Attorney for the Town has put into it. Councilman Earl stated she feels that the decision is in the best interest of both the Town and the Fire Company. The following resolution, to be known as Resolution #83 of 2010, was then moved for adoption by Earl, seconded by Montgomery:

RESOLUTION #83 - 2010
APPROVAL OF SARDINIA INVESTMENT POLICY FOR LOSAP

WHEREAS, the Investment Committee of the Town Board has been meeting with various plan administrators and investors and has been studying the best approach to an investment policy for the LOSAP plan funds and has recommended the attached proposed investment policy statement and the Town Board has discussed this statement and the investment objectives; and,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby adopts the attached investment policy statement for the LOSAP plan funds.

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 last resolution is for the approval of an administrator for the LOSAP. She stated that both she and Councilman Earl are fiscally conservative, and it was a difficult choice, but they decided on Hometown Firefighters Services, which had the most conservative plan, and who deal with a lot of the local municipalities. Ms. Hannon stated she spent all day yesterday on the phone talking to various Town Supervisors who told her they have a great relationship with this company, and feels very comfortable with the choice they made. Councilman Uhteg asked if they deal with anyone local, and Attorney Joseph stated they work for the Town of Concord, the Village of Springville, the Town of Hamburg, and others. Councilman Earl stated they have a whole list of their clients, and will give him a copy. The following resolution, to be known as Resolution #84 of 2010, was then moved for adoption by Earl, seconded by Montgomery:

RESOLUTION # 84 - 2010
APPROVAL OF ADMINISTRATOR AND INVESTMENT PROGRAM FOR SARDINIA LOSAP

WHEREAS, the Investment Committee of the Town Board has been meeting with various plan administrators and investors and has been studying their proposals for the administration and management of the Town's the LOSAP plan and its funds and has recommended that the proposal of Hometown Firefighters Services be accepted; and,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby accepts the proposal of Hometown Firefighters Services for the administration and management of the Town's LOSAP plan and its funds.

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

Supervisor Hannon stated she has received the Public Notice for Inclusion of Lands into an Agricultural District from John Opulka of the Erie County Dept. of Environment and Planning and read it into the minutes. The Public Notice explains that forms are available through local assessors' offices, and are then filed for approval with the Dept. of Environment and Planning.

Supervisor Hannon stated that last month, she had stated that Clint Salmon has approached her, stating that there is a vacancy on the Board of Directors for the Rural Transit Van Program. She stated that it was the Meals on Wheels Program, not Rural Transit, and asked the Board for a motion to recommend her for appointment to that Board of Directors. On a motion by Earl, seconded by Montgomery, the Board approved Supervisor Hannon's appointment to the Southtowns Meals on Wheels Board of Directors, should she be approved by them. Carried, 5 ayes, 0 noes.

The Supervisor stated that the Planning Board has asked to meet with the Town Board regarding a possible water district on either October 19th or October 26th. After discussion, the Board decided that October 19 was the most suitable evening for all.

The Supervisor updated the Board on the Erie County Micro Loan Program for small businesses, stating that a \$35,000.00 loan has been received by a Town resident.

The Supervisor stated that there is a flier available in the Clerk's office for a Community Resources event, to be held at the Springville Center for the Arts on North Buffalo St. in Springville for those who are struggling to make ends meet, supported by the Oishei Foundation.

Councilman Miller stated that he feels this Board should charge the Planning Board with drafting a subdivision law and also an alternative energy ordinance, including solar and thermal energy regulations. Mr. Miller then made a motion, seconded by Earl, to charge the Planning Board with drafting such laws and ordinances, 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,

