

12-8-2011 – REGULAR BOARD MEETING

Present:

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

Also Present:

Town Clerk Betsy A. Marsh
Approx. 15 guests

The Sardinia Town Board held its Regular Town Board meeting for December 2011 on December 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.

The Town Clerk has submitted the minutes of the 11/10/2011 Public Hearing on the 2012 Budget, and the 11/10/2011 Regular Town Board meeting. On a motion by Montgomery, seconded by Miller, those minutes were approved as written. Carried, 5 ayes, 0 noes.

Departmental Reports included:

Supervisor Hannon noted that Waste Management representative Tom Lewis was not able to attend this evening, but has provided copies of the quarterly report, which is also available on-line. The Supervisor then presented Certificates of Appreciation to Councilman Norman Uhteg, who will be leaving the Board as of January 1, 2012, commending him for his years of service to the Town. She also presented a Certificate of Appreciation from Erie County to Councilman Montgomery for his Emergency Management work during the severe flooding from Hurricane Irene. She also noted that the interior of the Town Hall is being painted, top to bottom, and stated that she and Councilman Montgomery visited waste Management and Gernatt Asphalt to tour their facilities and see the progress on their projects. She stated reports have been received from both companies, and there is a map the Gernatt facility, which will be made available in the Clerk's office. Supervisor Hannon stated that the November election results are now official, and the residents have voted to cap the Defined Benefit plan, and to put into place a Defined Contribution plan. She stated that the Attorney for the Town is working on the plan documents, which will need to be approved by the Board, and sent to the Plan Administrator Gene Heated for his comments. She stated she expects that those documents can be adopted by the Board at either the End of the Year meeting, or the first meeting in January. The Supervisor stated she had attended the grand opening ceremony of the Big Lots Store in Yorkshire, and is very pleased to see the new store nearby. She stated the Town will need to advertize for a Planning Board member to replace Councilman-Elect Morrell, who will be going off that Board. She stated that funding has been included in the 2012 Budget for an Assistant Code Enforcement Officer to help out CEO Marv Zieleonka, at a pay rate of \$12.00 per hour for approximately 6 hours a week and would be working evenings with Mr. Zielonka. She stated that, in the near future, this person would also need to attend some training classes. She asked for a motion to go ahead with placement of the advertisement for that position, also. On a motion by Earl, seconded Miller, advertisement for the Assistant CEO position, along with the rate of pay at \$12.00 per hour, was approved. Carried, 5 ayes, 0 noes. Supervisor Hannon stated she has received notice from the Chaffee-Sardinia Fire Co. that they intend to purchase a new fire truck, at a base cost of \$202,843.00. They have also notified that Todd Catalano has resigned as a member of the Fire Company.

Councilman Uhteg reported that he had gotten together a list of about six street lighting outages, and has contacted NYSEG with that list. He stated he believes that most have already been repaired, and he will check to make sure.

Councilman Montgomery reported he has received a letter from Kelly Kowalski of the Food For All program, notifying that she will be discontinuing her monthly schedule in Sardinia for the winter months, due to lack of applicants, and will resume coming to Sardinia one Monday per month in March, April and May of 2012, from 3 PM until 5 PM. Her schedule will be posted on the front door. Supervisor Hannon stated that this is the Food Stamp sign up program and suggested that because of what a great service this is to the Townspeople, the availability of the program here and the schedule should be advertized. Councilman Montgomery will take care of that. Mr. Montgomery stated he has received notice that HEAP will not be taking applications in Sardinia this year, either, due to all the cutbacks, but will be available at the Concord Town Hall on December 12th and suggested that anyone interested should call the Town of Concord for more information. Mr. Montgomery stated that he and Councilman Miller attended the Empire Energy Forum meeting on hydraulic fracking, which will be reported on by Councilman Miller. He also stated he attended the Disaster Coordinator's meeting, and they have informed that the new emergency 400 frequencies will be tested starting in January. He stated there have been problems with the cell towers but now feel those have been worked out so they can begin the testing.

Councilman Earl reported that the Recreation Department has scheduled a town wide Christmas lighting contest, to be judged on December 17th, and the deadline for phone registrations is December 15th. She stated that there will be a Town wide Christmas party here in the gym on December 17th, with Santa and Mrs. Claus stopping in at about 6:30 PM.

Councilman Earl stated there will be a trip to Colden Tubing Co. on 1/14/2012, and the group tickets are almost sold out, with only 3 left unsold, so they are asking permission to purchase another block of 40 tickets, at a total of \$360.00. On a motion by Earl, seconded by Miller, the Board approved the expenditure of \$360.00 for 40 more tickets to Colden Tubing. Carried, 5 ayes, 0 noes.

Councilman Earl asked about the new radios for the new emergency frequencies, and asked Councilman Uhteg if the C-S Fire Co. has the new radios and if they've had any problems with them. Mr. Uhteg stated they had the radios but they are not in use yet. Ms. Earl stated she had attended the Springville Control Center Board meeting last month, and they are still waiting for Verizon to hook up some more lines so they can be put into service. Ms. Earl stated she has also been working with Councilman Montgomery on the negotiations with the Highway Employees, which will be discussed in Executive Session.

Councilman Miller reported that the Historical Society is preparing a yearly financial report, which the Town Board should

get in January, and informed that they are changing treasurers. He reported on the Empire Energy Forum, concerning hydraulic fracturing, or fracking, which he attended with Councilman Montgomery. He stated there were several speakers, but it was put on by the oil and gas industry and was, therefore, pretty one-sided. Mr. Miller stated that after reviewing some of the legalities, Towns can't regulate the companies, only on where the well sites are and if they will affect local roads. He stated they use a 5 acre area for their equipment and campers, and need a water and sewer source for their workers. He stated that those are things that can be regulated by the local municipality, but that's about it. Mr. Miller stated he just heard tonight on the news that the State of Wyoming has found fracking chemicals in their ground water used for drinking water. He stated that there is a lot to be desired about this issue, and we need to just keep our eyes on it. Councilman Miller stated that there are two postings on the front door concerning benefits to be held for individuals with health problems, one a relative of his and one a close friend, and stated that if anyone could support one of them, he would appreciate it.

Supervisor Hannon stated that Highway Superintendent Hopkins is not here tonight, and that Attorney Joseph could not attend, but has sent along a report on the Tri-County Business Park DGEIS, which was distributed to all Board members.

Under Public Comments:

Senior Citizens President Clint Salmon stated that the Senior Citizens and the Kiwanis are in the process of making up Christmas food baskets for those in need, and stated that he is distributing them earlier this year, because they had received work of an emergency need, and decided that why wait on the rest, and have delivered three already. He asked that if anyone knows anyone in need, let him know. He stated he feels that maybe we need a program for year round, or a committee. Supervisor Hannon asked if they are still taking food donations, and Mr. Salmon stated they are in good shape right now and Waste Management and Gernatt are always offering to help. Councilman Uhteg stated that there is a food pantry at the Chaffee Baptist Church that is fully stocked, and stated that they would probably even make up and deliver a basket if asked.

John Marsh of Chaffee stated that, concerning the zoning amendment on the agenda concerning signs, as a former business owner, he knows that the readability of signs depends on the speed of the traffic, and if the traffic slows down to read a sign, it can cause traffic problems. He asked the Board to consider increasing the size of the signs in the proposed amendment.

John Schiener of Sardinia stated that the water source development money for the Fire Company, included in the contract at \$5,000.00 per year, has not been used in several years, the Fire Company having let it accumulate to do a larger project. He stated there should be \$35,000.00 in the account currently. He also commented, on a personal note, that Chapter 48 of the Town Code, entitled Numbering of Buildings, has been in place since 1984, and stated the Town is responsible for its enforcement. He noted that the 2012 Budget includes an additional \$5,000.00 for an assistant Code Enforcement Officer, and suggested that this might be a good project for that office to undertake. Mr. Schiener also suggested that at the intersections under the Town's jurisdiction, perhaps signage could be included that could point out which direction house numbering blocks may be accessed.

Supervisor Hannon stated that the next agenda item is for approval for payment of Warrant #12, including vouchers numbering #776 through #845, and totaling \$98,331.14, of which \$39,769.23 is the General Fund total, \$52,820.48 is the Highway Fund total, \$895.36 is the Street lighting fund total, and \$4,846.07 is the Fire District fund total. On a motion by Earl, seconded by Montgomery, the Board approved payment of those vouchers. Carried, 5 ayes, 0 noes.

Supervisor Hannon stated there are several Budget transfers necessary within the 2011 General Fund Budget, stating that we are getting toward the end of the year. The following resolution, to be known as Resolution #77 of 2011 was moved for adoption by Earl, seconded by Miller:

**RESOLUTION #77 - 2011
APPROVAL OF FUND TRANSFERS**

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

TRANSFER FROM	AMOUNT	TRANSFER TO
A1440.00 - Engineering	\$ 60.97	A1220.400 – Spvr. Contr.
A1440.00 - Engineering	\$1357.50	A1320.400 – Auditor – Cont
A1620.220 – Town Hall Improv	\$1063.92	A1620.490- Oper of Bld. Other
A1660.490- Central St. Cont	\$ 55.06	A1670.400 – Central Mailing
A1990.400 - Contingent	\$1524.77	A3510.400 – Control of Dogs
A9030.800 – Social Sec.	\$ 710.44	A9040.800 – Workers Comp
DA9030.800 – Social Sec.	\$ 6.63	DA9040.800 – Workers Comp

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, aye, Uhteg, aye, Hannon, aye. So Resolved.

The Supervisor stated that the next resolution is to approve the proposed amendment to the Zoning Ordinance concerning temporary off-site signs for agricultural products, so that it can then go to a Public Hearing. She asked for comments on the proposed amendment, especially in light of the public comment on the size of the signs, and asked the Planning Board Chairman Bob Hill what the Planning Board's reasoning for the size it had proposed, which was 24" by 24". Mr. Hill stated that they had basically looked at the sizes that were already up and went with that. Mr. Hill also stated that they seem to be on the less traveled back roads, and size was not such an issue in those cases. The Supervisor noted that the Board also needs to set a fee for the signs. She then polled the Board for its feelings. Councilman Earl asked if the signs would be

lighted, and was told they would not be. Councilman Uhteg stated he thinks a larger size sign, perhaps 36" by 48" would be better and hoped that the fee would be kept low. Councilman Miller stated he would like to see 36" by 48" signs allowed. The matter was discussed, with the consensus being that the signs should be kept low for sight distance, and therefore, most felt the amendment should state that the signs could be 36" high by 48" wide. A fee of \$5.00 per seasonal sign was also the Board's feeling. The following resolution, to be known as Resolution #78 of 2011, was then moved for adoption on a motion by Miller, seconded by Uhteg:

**RESOLUTION #78 - 2011
APPROVAL OF AMENDMENT TO SIGN ORDINANCE**

WHEREAS, the Planning Board has recommended to the Town Board certain amendments to the Town's Zoning Ordinance **Section 115-22 C with respect to signage**;

WHEREAS, prior to submitting the proposed amendments for public review and comment, the Town Board has reviewed the Planning Board's recommended amendments and has accepted the proposed amendments as set forth in the proposed amendment circulated to the Board Members with the following changes, (if applicable):

**TOWN OF SARDINIA
LOCAL LAW #1 of 2012
AMENDMENT TO THE TOWN'S ZONING ORDINANCE**

Be It Hereby Resolved that Article Seven, Sign Regulations of the Zoning Ordinance of the Town of Sardinia, adopted on the 12th day of October 2005, be, and the same hereby is amended by adding the following provisions which are highlighted:

1. Section 115-22 C Sign Definitions is hereby amended as follows.
AGRICULTURAL OR HORTICULTURAL SELLING PURPOSES: Any sign, wording, logo, or other representation that advertises, or calls attention to a business, which sells and/or promotes seasonal agricultural or horticultural products and/or services including but not limited to the sale of fruits, vegetables, plants, trees and flowers, and associated goods and services.
2. Section 115-22-3 is hereby amended to add a new subsection F as follows:
F. Off-Site Temporary/Portable Signs for Agricultural or Horticultural Selling Purposes
The use of up to (2) two portable/temporary signs shall be permitted off-site for agricultural or horticultural selling purposes under the following conditions:
 1. A permit shall be obtained from the Code Enforcement Officer which shall permit a temporary sign display for agricultural or horticultural selling purposes for a maximum of (8) eight months.
 2. Such (8) month period shall run from the date that the permit is issued.
 3. A permit shall only be available to Agricultural or Horticultural businesses located within the Town of Sardinia.
 4. The application shall identify the location(s) where the sign(s) will be placed and shall include written authorization signed by the property owner authorizing the placement of the sign on his and/or her property.
 5. The size of the sign shall not exceed 36 inches high by 48 inches wide and all other provisions of this Chapter with respect to design of signs shall apply to any sign.
 6. The applicant shall remit to the Code Enforcement Officer a fee of \$5.00 per sign.

NOW THEREFORE BE IT RESOLVED that a copy of the draft Local Law prepared by the Town Attorney to reflect the changes proposed to the Town's Zoning Ordinance Section 115-22 C shall be forwarded to the County Department of Planning for review in accordance with Section 239m of the General Municipal Law; and

BE IT FURTHER RESOLVED, that a Public Hearing be scheduled for January 12, 2012 at 6:00 PM to consider the proposed amendments to the Town's Zoning Ordinance; and,

BE IT FURTHER RESOLVED, the Town Clerk shall, no less than 10 days prior to the scheduled hearing, publish a Notice of Public hearing in the Town's official newspaper and provide all other notices as required by law.

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

Supervisor Hannon stated that she would like to have the Public Hearing on the Proposed Zoning Ordinance on January 12, 2012, before the Regular meeting. On a motion by Earl, seconded by Miller, the Public Hearing on the proposed Zoning amendment was scheduled for January 12, 2012, 6:00 PM, and this date and time will be incorporated into the previous resolution. Carried, 5 ayes, 0 noes.

The Supervisor stated that the next resolution is to allow Councilman-Elect Morrell, Councilman Montgomery, and Councilman Miller to attend the NYS Association of Towns training seminar in Rochester, NY on January 4 through 6, 2012. The following resolution, to be known as Resolution #79 of 2011 was moved for adoption on a motion by Earl, seconded by Miller:

**RESOLUTION #79 - 2011
APPROVAL OF COUNCILMAN MILLER, MONTGOMERY, AND COUNCILMAN-ELECT MORRELL TO ATTEND
TRAINING SEMINAR**

WHEREAS, the New York State Association of Town Government annually hosts a seminar for officials which is scheduled next year for January 4, 5, and 6, 2012 in Rochester, New York and

WHEREAS, the Sardinia Town Board recognizes the importance of this training for our elected officials, and

WHEREAS, the cost of this seminar is \$200 for registration per person and approximately \$100 per night stay for 3 nights per person and any additional meals that are not covered with the registration fee, along with mileage and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the request of Councilman Miller, Councilman Montgomery, and Councilman-Elect Morrell to attend this seminar from January 4 – 6 (or any part of those days) at a cost of approximately \$500 per person, including any additional meals and mileage.

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

Supervisor Hannon stated that the next item of business is discussion of the Draft Generic Environmental Impact Statement for the Tri-County Business Park. She stated she has not had a chance to finish reviewing the document, but that Attorney Joseph has, and has written comments to both the Town Board and Planning Board. She stated she wants to make sure the Town is protected from any financial liabilities. Planning Board Chairman Bob Hill had no comment on the document. The Supervisor stated that she would like to wait until after the Planning Board meets and have the attorney prepare a comment from the Board to be ready by the end of the year, knowing that the Planning Board's Public Hearing is before the Town Board's next meeting in January. Councilman Miller stated that the comment period on the DGEIS was closed back in 2008 and the only reason this has been reissued is that the Town never answered the Village of Arcade's comment letter. He stated that if you read the whole document, the owner has plans for his own sewer and water source, and each business wanting to come into the Business Park would need its own DEIS and SEQR Review. Mr. Miller stated he feels the Town is lucky that it hasn't been served with an Article 78 since there are time constraints on these matters. He stated he feels that these issues have already been addressed. The Supervisor stated that this is a different administration and she'd like a little more time to comment. Mr. Miller stated we have to follow the letter of the law. The Supervisor stated she would just like a little more time to review.

Supervisor Hannon stated that the Board needs to set up the End of the Year meeting for 2011, and the Organizational meeting for 2012, and after confirming that the dates are good for everyone, the End of the Year meeting for 2011 was scheduled for Thursday December 29, 2011, at 6:30 PM., and the Organizational meeting for 2012 was scheduled for January 12, 2012 at 6:15 PM. The Public Hearing on the proposed Zoning Amendment will be held that same night at 6:00 PM and the Regular January Board meeting will be held on that evening at 6:30 PM.

On a motion by Earl, seconded by Montgomery, the Board then moved into Executive Session at 7:10 PM to discuss negotiations with the Highway Employees Association. Carried, 5 ayes, 0 noes.

The Board came back into Regular Session at 7:26 PM on a motion by Earl and seconded by Montgomery to close the Executive Session, 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 7:28 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted

Betsy Marsh
Town Clerk

