

12-9-2010 – 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:

Alicia Rood, Acting Attorney for the Town
Highway Superintendent Donald W. Hopkins
Town Clerk Betsy A. Marsh
Approx. 10 guests

The Sardinia Town Board held its Regular Town Board meeting for December on December 9, 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.

The Town Clerk has submitted the minutes of the November 10, 2010 Special Town Board meeting, and the November 4, 2010 Regular Town Board meeting. On a motion by Montgomery, seconded by Earl, those minutes were approved as written. Carried, 5 ayes, 0 noes.

Departmental Reports included:

Supervisor Hannon stated she is looking into the Town's insurance costs, and stated she has not received any quotes from outside companies. She stated that Arcade/Knight Agency has informed that next year's premium should be lower. Supervisor Hannon also stated that Tom Lewis from Waste Management could not make it tonight to give the quarterly report, but he stated he would provide a written report for the Town for next month's meeting, and will include the 2011 Environmental Fund payment in the amount of \$25,000.00. Mr. Lewis also asked that she announce that because the last Saturday of this month is Christmas Day, the trash drop off day in December will be December 18th. The Supervisor stated she has received a flier from County Parks and Recreation informing of the last weekend of Santa Land at Chestnut Ridge Park, to be held this weekend from 10 AM until 4 PM. She stated that she has received the executed contract between the Town and the Legion, and has sent their check out to them. Supervisor Hannon stated that she would like to schedule the End of the Year meeting for 2010 for Thursday, December 30, 2010 at 6:30 PM. All were in agreement with that.

Councilman Uhteg reported that, concerning streetlights, NYSEG has apparently reorganized once again and are finally working on the lights.

Councilman Montgomery reported that HEAP will be here on February 14, 2011 from 9 AM until 4 PM to sign up applicants. He stated that the County will be doing the advertizing for that. Mr. Montgomery stated that he and Councilman Miller are currently working on a Special Needs Registry, a federally mandated program to identify persons disabled, living alone, on oxygen or on medications, for use by first responders and other emergency personnel. He stated that they had distributed the forms at the Kiwanis Senior Citizens Christmas dinner, to Historical Society members, and asked that if anyone is aware of someone meeting the criteria, please let them know about the program. Supervisor Hannon asked if he feels the Town should advertize the program, and Mr. Montgomery suggested we hold off on that until the End of the Year meeting. Mr. Montgomery stated he has also been seeking quotes for a water testing program, and stated he sees that the item is farther down on the agenda.

Councilman Earl reported that the employee handbook is now complete, and she has gotten 2 quotes, the lowest being a price of \$220.00 to print 100 books, from Anything Printed in Springville. She stated she had attended the Grand Opening of the Crosby Market, formerly the Little Country Store, on Tuesday night, and the ribbon cutting on Wednesday, and welcomed them to Town. She stated that, also on Tuesday evening, she attended the Historical Society's Christmas party. Councilman Earl stated that Santa will be attending the Tiny Tots Christmas party on December 22nd, and the Winter Recreation program will be starting up soon.

Councilman Miller reported that the Planning Board is working on the Lake Erie Watershed survey, and that there is \$475 million in restoration funds available. He stated that perhaps the Town would be eligible for a grant for stream bank stabilization. Mr. Miller stated he had attended the Historical Society Christmas Party and the Kiwanis Senior Citizens Christmas Dinner, both of which were very nice. He stated he has gotten two bids for the door project at the Meeting House, and noted that the item is later on the agenda. Councilman Miller stated there is some money left in the 2010 Parks budget and he would like to see 3 grills purchased for Manion Park. He stated they cost \$190.00 at the Made in America Store in Elma. Highway Superintendent Hopkins stated if they are permanently mounted, and would not "walk" away, they would be a good thing, and suggested that some be purchased for the Genesee Rd. Park, also. The matter was discussed and Councilman Uhteg pointed out that permanently installing the grills would allow smoke to go into the shelter when the wind is from a different direction, and felt being able to move them would be preferable. On a motion by Miller, seconded by Earl, it was decided to purchase 2 grills for Manion Park, 2 for the Genesee Rd. Park, and to fill in with the ½ barrel grills made by the Highway Dept. Carried, 5 ayes, 0 noes.

Under Public Comments:

Clint Salmon, Sardinia Senior Citizens President and Coordinator for the Sardinia Meals on Wheels program thanked the Town Board and Waste Management for sponsoring the Seniors' Thanksgiving Dinner at the Hearth. Mr. Salmon reported that 90 people were in attendance, and brought non-perishable food items which will be used to make up "Blizzard Boxes" for

Meals on Wheels recipients, so that they will have a supply of food on hand in the event that the Meals program is suspended due to bad weather. He stated that 88 people attended the Kiwanis Christmas dinner, and that the Kiwanis will be putting together food baskets for the needy, using whatever food is left from the "Blizzard Boxes" project. He asked that if anyone knows of someone who is in need, that they contact himself or the Town Clerk.

Highway Superintendent Hopkins reported that the furnace for the Highway Garage office and restrooms area has now been installed, as per suggestion after the energy audit. He also informed that he and the Highway employees have now completed the CPR/AED course. Mr. Hopkins asked if a streetlight at Rt. 39 and Van Slyke was supposed to be installed, and Councilman Uhteg stated one was scheduled, but has not been completed yet because NYSEG had to get a special easement. The Highway Superintendent stated that while out at night plowing, they have counted 12 streetlights out, and stated he will get addresses and/or pole numbers to the Town Clerk. Mr. Hopkins stated that he would like to clarify something, and stated there has been a little story going around that during the December 1st snow storm, he pulled a Gernatt gravel truck out of a ditch with his pickup truck, and took money for doing so. Mr. Hopkins stated that the truth is that the Gernatt truck was stuck trying to get up the hill on Middle Rd. and was blocking traffic, so Mr. Hopkins stopped next to it and turned on the sander so it could get traction, then had to get in front of it and sand. He stated that Councilman Uhteg was there and can vouch for the circumstances. He stated that at no time was the truck in the ditch and at no time was money exchanged. He also explained that the reason he was "out of Town" at the time is that because there is no turnaround, Sardinia plows to Rt. 240, and the Town of Concord plows to Pratham Rd. Mr. Hopkins stated that he is always available if anyone ever has a question about his activities, he does not appreciate the nasty rumors, and invited anyone with a question to call his cell phone anytime, which is listed on his business card.

Attorney Alicia Rood was on hand to fill in for vacationing Attorney for the Town Linda Joseph. Ms. Rood stated that Ms. Joseph apologizes, but the vacation was scheduled far in advance of her appointment as Attorney for the Town. Attorney Rood stated it was a fairly quiet month. She stated they had provided advice to the CEO concerning the complaint about the unlicensed vehicles on Savage Rd. She stated that they have drafted a new Sardinia Dog Licensing Law, modifying the Town's current Code, explaining that the State will no longer be doing the dog licensing, but is mandating that municipalities license the dogs in their jurisdictions. Attorney Rood stated they have also been working on the LOSAP program, to transfer from Affordable Benefits to Hometown Firefighters, as well as changing over from whole life insurance to term insurance, in order to save the Town approximately \$8,000.00 a year. She stated that Affordable Benefits has returned the Town's \$560,000 but kept \$26,000.00, which they say is invested. Ms. Rood explained how, in the course of soliciting quotes for Plan administrators, discrepancies were uncovered, and stated that Affordable Benefits has been notified of these, including the fact that Affordable Benefits was supposed to develop an investment plan, and has not. She stated they have been notified that they are to return the \$26,000.00 to the Town. She stated that the most serious problem is that it has been found that the program has been over funded by the amount of \$200,000.00. Ms. Rood commended Supervisor Hannon and Councilman Earl for working diligently to get these changes in place.

Supervisor Hannon then asked for a motion to approve payment of the bills, and on a motion by Montgomery, seconded by Uhteg, General Fund Warrant #12 of 2010, including vouchers #635 through #702, totaling \$61,246.58, and Highway Fund Abstract #12 of 2010, including vouchers #165 through #187, and totaling \$16,421.97, were approved for payment. Carried, 5 ayes, 0 noes.

The Supervisor asked Councilman Miller to explain the Meeting House door project, and he stated that the door on the south side of the building near the men's room needs replacing, and a cement pad needs to be installed, because the current door actually drags on the dirt. He stated the first quote received was \$2,000.00, and the quote from Springville Door was \$1,788.00. The following resolution, to be known as Resolution #93 of 2010 was then moved for adoption by Montgomery, seconded by Earl:

**RESOLUTION #93 - 2010
APPROVAL OF PURCHASE OF NEW DOOR FOR
SARDINIA MEETING HOUSE**

WHEREAS, the Sardinia Town Board is aware that the Sardinia Meeting House is in need of a door, and

WHEREAS, after review of bids for this project, the Sardinia Town Board agrees that the bid from Springville Door at a cost of \$1,788.00 is most reasonable, and

NOW, THEREFORE, BE IT RESOLVED: the Sardinia Town Board approves the purchase of a new door from Springville Door at a cost of \$1,788.00 for the Sardinia Meeting House.

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 needs Town Board approval of a check in the amount of \$335,000.00, made payable to American Equity for transmittal to Hometown Firefighters Services for the change in the LOSAP Plan Administrator. The following resolution, to be known as Resolution #94 of 2010, was then moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION 94 - 2010
APPROVAL OF CHECK FOR TRANSMITTAL TO HOMETOWN FIREFIGHTERS SERVICES**

WHEREAS, the Sardinia Town Board previously approved the replacement of Affordable Benefits as administrator for the Firemen's pension established pursuant to LOSAP due to the many discrepancies, errors and other unacceptable performance by Affordable Benefits of its duties as administrator and investment advisor with respect to pension funds;

WHEREAS, after the Town Board's subcommittee heard presentations from a number of competing firms the results of which were presented to the Town Board, the Sardinia Town Board previously approved the selection of Home Town Firefighters Services to replace Affordable Benefits as administrator for the Firemen's pension and at a special

meeting held in November approved the transmittal of two checks to Home Town Firefighters Services in the amounts of \$10,700 and \$2,300 to cover insurance premiums and administrative fees, respectively.

WHEREAS, the Sardinia Town Board has sought the return of the entire amount of approximately \$530,000 which had been required by Affordable Benefits to fund the Firemen's pension, including the five year buy back and the Sardinia Town Board has received back from Affordable Benefits and Nationwide Insurance all of the funds except for approximately \$26,000 (which is continuing to be pursued despite Affordable Benefits' and Nationwide Insurance's position that this amount is to be returned in payments over a seven-year period pursuant to the terms of the annuity contract in which these funds were invested);

WHEREAS, the Sardinia Town Board has now learned that Affordable Benefits and Nationwide required overfunding of the five-year buy back inasmuch as Home Town Firefighters Services has stated that the pension will be sufficiently funded by investing \$335,000 in the recommended annuity contracts which will cover the cost of the 5-year buyback plan (\$219,000 plus one year);

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board has approved the issuance of a check which has been requested by Home Town Firefighters Services in the amount of \$335,000 made payable to "American Equity" to cover the cost of the 5-year buyback plan (\$219,000 plus one year).

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 Board needs to appoint a Winter Recreation Director, and Laura Marshall has been recommended by the Recreation Committee. Therefore, the following resolution, to be known as Resolution #95 of 2010, was moved for adoption by Earl, seconded by Miller:

**RESOLUTION 95 - 2010
APPOINTMENTS**

WHEREAS, the following appointment is made to fill a vacant position:

Laura Marshall, Recreation Director – PT Winter \$15 per hour, effective immediately

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the above-mentioned appointment effective immediately to fill the vacant position.

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 Employee Handbook is now complete, and is a long one, but very necessary. She stated that it is a good beginning and may need a few amendments here and there. She commended Councilman Earl's work, and asked for a motion for adoption of the handbook. The following resolution, to be known as Resolution #96 of 2010, was moved for adoption by Earl, seconded by Montgomery:

**RESOLUTION #96 - 2010
APPROVAL OF SARDINIA EMPLOYEES' HANDBOOK**

WHEREAS, the Sardinia Town Board recognizes the importance of a handbook for Town of Sardinia employees; and

WHEREAS, with the assistance of Councilman Earl and review from Attorney Linda Joseph, an appropriate handbook has been assembled, and

NOW, THEREFORE, BE IT RESOLVED, after review, the Sardinia Town Board approves the Town of Sardinia Employees Manual and requests the proper steps of implementing this manual be commenced, effective January 1, 2011.

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 Chaffee-Sardinia Kiwanis Club has sent a letter asking for partial funding of its annual Senior Citizens Christmas dinner. The following resolution, to be known as Resolution #97 of 2010 was moved for adoption by Montgomery, seconded by Uhteg:

**RESOLUTION #97 - 2010
APPROVAL OF FUNDS FOR KIWANIS CHRISTMAS DINNER FOR SARDINIA SENIORS**

WHEREAS, the Sardinia Town Board has received a request for reimbursement for a dinner the Chaffee-Sardinia Kiwanis Club hosted for the Sardinia Seniors Christmas Dinner in the amount of \$750, and

WHEREAS, the budget line for the Sardinia Seniors is more than adequate to cover this expense, and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the amount of \$750 to the Chaffee-Sardinia Kiwanis organization for reimbursement of the Sardinia Seniors Christmas Dinner.

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 Girl Scouts of WNY Enchanted Mountains Northeast have requested use of the Town Hall/Community Center, with use of the gym, restroom facilities, and cafeteria, on Sunday from 1 PM until 5 PM. The

following resolution, to be known as Resolution #98 of 2010, was moved for adoption on a motion by Montgomery, seconded by Earl:

RESOLUTION 98 - 2010
APPROVAL OF GIRL SCOUTS OF WNY ENCHANTED MOUNTAINS NORTHEAST USE OF COMMUNITY CENTER

WHEREAS, the Girl Scouts of WNY Enchanted Mountains Northeast has requested that the Town make available the Gymnasium in the Community Center for a community service project as described in their letter on Sunday, December 12, 2010 from 1:00 – 5:00 p.m., 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, cafeteria and restrooms in the Community Center on December 12, 2010 for a 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 a public hearing needs to be scheduled for the new proposed dog licensing statute. She stated that the State has mandated that Town do this, and there really is not much of a change except that the Town will keep all of the fees, the County will no longer get a share. The Clerk explained that the Town will have to provide dog tags and send out renewal notices, so there may a bit more expense, but that should be offset by the keeping of the fees. She stated that the Town is not asking for a rate increase at this time, but the law provides for the Board to change fees by resolution if it is found that the Town is spending more than it is taking in. The Town Clerk also suggested that Section 54-1.2 D., concerning a grace period for dogs being moved here from NY City, and Section 54-2.3 H, allowing not more than 4 dogs per premises, be removed. She stated she feels that NY City residents moving into Town should have to license dogs as anyone else should, and stated that the four dog maximum should be a zoning issue, where there is recourse, not a dog licensing issue. Supervisor Hannon stated she would like to schedule the public hearing on the proposed Local Law for December 30, 2010, at 6:15 PM, immediately preceding the End of the Year meeting. On a motion by Earl, seconded by Montgomery, the Board approved Proposed Local Law #2010, the Sardinia Dog Licensing Law, with the changes removing Section 54-1.2 D, and Section 54-2.3 H, and scheduled a Public hearing on the Proposed Local Law for 6:15 PM on Thursday, December 30, 2010. Carried, 5 ayes, 0 noes.

Concerning water testing quotes, Supervisor Hannon stated that Councilman Montgomery has been working to get quotes together, and the Board has expressed a preference to test random wells on a first come, first served basis. Mr. Montgomery stated that he has received quotes from PanAmerican Environmental in Buffalo, and TestAmerica in Amherst. He stated he has quotes from both for testing 100 random wells, and for testing the 4 wells that have been tested in the past. He explained the test parameters for both types of testing, and stated that TestAmerica's cost was more reasonable. After discussion, it was felt that more information was needed and the Supervisor suggested that the Attorney look over the quotes to make sure that the Town could not be held responsible for the results or damages. Robert Church of the Planning Board asked if for the random testing, wells have been picked, and was told that testing would be done on a voluntary basis, with the first 100 sign ups being tested.

There being no further business to come before the Board, on a motion by Earl, seconded by Montgomery, the meeting was adjourned at 7:27 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk