

6-11-2008 – REGULAR TOWN BOARD MEETING

Present:

Councilman Ann M. Bean
Councilman Ronald L. Kenyon
Councilman Heather M. Phelps
Councilman Norman J. Uhteg

Absent:

Supervisor Kathleen M. Balus

Also Present:

Attorney for the Town Anthony DiFilippo, III
Town Clerk Betsy A. Marsh
Approx. 30 guests

The Sardinia Town Board held its regularly scheduled Board meeting for June on June 11, 2008 at the Sardinia Town Hall/Community Center. Councilman and Deputy Supervisor Kenyon stated he was chairing the meeting tonight because Supervisor Balus is out of Town this month. He then called the meeting to order at 7:30 PM, with a Moment of Silence, asking that the families of Everdina Mauser, James Cottrell, and Len Spencer, who all passed away this month, as well as our servicemen and women fighting for our freedoms, be remembered. He then said a short prayer and led the Pledge to the Flag.

The Town Clerk has submitted the minutes of the May 11, 2008 Regular Town Board meeting, which were approved and filed on a motion by Phelps, seconded by Bean, and carried, 4 ayes, 1 absent, 0 noes.

The Deputy Supervisor noted that there were several items to be added to the agenda, which included approval of a Senior Citizens trip; discussion of a Fire Company retirement issue; a shade roof at the pool; the chlorinator at the Town Hall/Community Center; and the gardens at the Park. He asked for a motion to add these items to the agenda, and on a motion by Uhteg, seconded by bean, the items were added. Carried, 4 ayes, 1 absent, 0 noes.

The Supervisor's report was as follows:

- The computer program is currently being changed over from the old program (Peach Tree) to the new program that was recently purchased (Computer Resolutions). Due to this change, there will be no written Supervisor's Report this month. The June report will be presented at the July meeting.
- Community Cause: Presentation of check to High Hurdles Program (Suburban Adult Services, Inc.) was made by Judy Tobin to Judy Fiene, Director of the program, who thanked the Town, stating that the program started 10 years ago with 1 horse, and there are now 8 horses and 80 riders, and they have no government funding. She stated that this Town has made the program possible. The collection this month will benefit the Chaffee-Sardinia Fire Company's Annual Carnival.
- Mr. Kenyon stated he attended the 2nd Quarterly Supervisors and Mayors Meeting with County Executive Collins on June 10, at ECC South, and spoke to the County Parks Commissioner, who assured him that they have no intention of letting the Forestry buildings fall down, and will retain ownership of the re-forestation acreage. They are also looking for a non-profit organization as a tenant for the house.
- Problem with MCI Telephone Bill: MCI sends four separate bills, one for each of the accounts that we have with them. Peggy sent a single check to pay all four bills, and MCI applied the entire check to one of the accounts. As a result, that account showed a large credit, and the other accounts were labeled as being past due. Peggy has contacted MCI to resolve the problem. Mr. Kenyon stated that the Supervisor's office will be looking into the possibility of a new phone service provider.
- Mr. Kenyon stated that when Supervisor Balus returns from vacation, she, Peggy and he will be meeting to review all of the telephone accounts that the town has, and the computer system in the Community Center, to determine if they meet out needs, or need to be changed or modified. We will continue to report to the board on our findings.
- Deputy Supervisor Kenyon stated that the Memorial Day Service and breakfast was a great success, and gave thanks to the members of the Sardinia Legion Post, the Chaffee-Sardinia Fire Company, the Chaffee Odd Fellows Lodge, and all others who worked so hard to once again make this a special event.
- Mr. Kenyon noted that a Plaque has been presented to the Town by the Erie County Farm Bureau because of its foresight in passing the Town's Right to Farm Law.
- Mr. Kenyon also noted that there needs to be a Correction to the Board minutes of April 9: The minutes show that Aaron Smith was hired as the Pool Coordinator at \$10.40/hour. This figure is suppose to be \$11.00.hour. Not certain if this was just a communication error or if the board made a mistake when the vote was made. The Clerk stated she had gone over the agenda for that meeting and her notes, and that it was her error. The official minutes of the April meeting will be corrected.

In Councilman Reports, Councilman Bean stated she has spoken to Peter Gorton of Panamerican Environmental concerning water testing, and stated he suggested that the Town decide what parameters they are looking for. She stated there are different parameters for away from the landfill. After further discussion, Councilman Bean stated she would contact the Erie County Health Department to see what they suggest the Town test for, and she will also contact Panamerican. Ms. Bean stated she also has solicited two quotes for the lighting upgrades for the back of the Town Hall/Community Center. She stated that contacted four contractors, but only two responded. The quotes were as follows:

Dubay Electric	\$5,248.69
Stevens Electric	\$3,237.60

Councilman Bean noted that both quotes were for 9 wall packs of 170 watt light units, and it was determined that Councilman Uhteg and CEO Zielonka would review the quotes to see if the bids are “apples to apples”, they are up to code with the “star friendly” lights, and in order. The Councilman also stated that she has looked in prices for a landscaper, should the Town decide they want to have someone come in and re-work the gardens at the Park. She stated she talked to one who quoted \$2,790.00 for 35 new shrubs, weeding, and \$3,770.00 for all of the above, plus mulching with dark mulch. She stated she has also had an offer of free wood chip mulch and free trucking from Asplundh Tree Service. The Board discussed the idea, and decided that a few more quotes should be solicited from Town resident landscapers.

Councilman Phelps reported on Youth Committee activity, stating that they had met with Aaron Smith, Jim Helmicki, and Ann Mangan on June 4th. She stated that the pool has been drained, cleaned, and is now being filled and should be ready for opening on June 21st. Ms. Phelps stated that the Committee had discussed and Automated External Defibrillator for the pool. She stated that the Tiny Tots requested 8 new chairs for their room, which they were given permission to order, and she noted that the Tiny Tots graduation was held Saturday June 7th. The Committee also set July 18, 19 and 20th as the dates for the Town wide Garage Sale. Councilman Phelps stated she will place an ad for sign-ups, and the fee will be \$10.00 to be on the map. The Board then discussed purchasing an Automated External Defibrillator to be on hand at the Park. Councilman Phelps stated that the lifeguard and CPR training now includes training on the AED's and everyone agreed that there is a need to have that equipment on hand. The cost of the equipment is around \$2,500.00, but the paperwork for getting one is extensive. Ms. Phelps stated she would get started on the paperwork, and Councilman Uhteg stated he would help her with it.

Councilman Uhteg stated that the County's webmaster has still not gotten started on a website for the Town. He also stated he has been working on the proposed lighting district for the Mountainview subdivision. He asked the Attorney for the Town to discuss the procedure, and Mr. DiFilippo stated that Councilman Uhteg has given him a map of the subdivisions this evening. He stated he will contact the Mountainview Builders' attorney to get the subdivision map numbers, and will also check the Town records. He suggested that the entire subdivision be included, in the lighting district, and stated that, though the residents have already done a petition, he will have to prepare a legal petition with the legal descriptions of all the properties, and signatures of all owners of all the properties. He stated there will then be a Public Hearing needed, and following that, the Board can vote to approve the district. The Attorney stated that NYSEG would own, install, and maintain all of the lights, and the cost would be approximately \$1,800.00 per year spread over the 16 lots. He suggested doing the lighting for all 16 lots now, and extending the district sometime in the future, as needed. Mr. Uhteg stated that he has also reviewed bleachers, and a set of 5 row bleachers that hold 50 people costs \$3,600.00 for an aluminum unit, and \$3,500.00 for a galvanized unit. Mr. Uhteg stated he will ask the Youth Committee for input on that and the blacktop for the basketball courts at the parks. Concerning break away basketball rims and backboards, he stated the cost is anywhere from \$300.00 to \$800.00, and will speak to Jim Helmicki about those, stating that Mr. Helmicki is a physical education teacher and may have some suggestions. Councilman Uhteg stated he had attended the Springville Control Advisory Board meeting, and reported on the Fire Company communication system issues, stating that first it was to be an 800 megahertz State wide system, then it went to a 400 megahertz County wide system, but no one knows when it will materialize, or how much it will cost. Mr. Uhteg stated that the Town's safety valve is that the current system and frequency are contracted through 2013. He stated that it is estimated that it will cost \$170,000.00 per Town just to upgrade the Springville Control Center, and are discussing 1 large grant for the entire Control Center group. He stated that it is estimated that the cost of radios for the Fire Company would be approximately \$60,000.00.

In Committee reports:

- Deputy Supervisor Kenyon asked how we get the tree stump by the playground behind this building out. It was discussed, and Councilman Uhteg stated perhaps the Board should hire someone to get it done, and stated that it would cost between \$300.00 and \$500.00. Concerning the tree stump, on a motion by Phelps, seconded by Bean, Councilman Uhteg was authorized to contact someone to grind out the stump, with the cost not to exceed \$500.00. Carried, 4 ayes, 1 absent, 0 noes.
- Mr. Kenyon also stated that the chlorinator here at the Town Hall/Community Center is not functioning, and the Health Department stated it should be up and running. He stated that if there was no objection, he would call Danny Heineman. There was no objection.
- Mr. Kenyon stated he had spoken to Highway Superintendent Baker last week, and there had been some concerns over the locks at the pool. It was decided that the best way to proceed was to change all the locks, and then Mr. Baker, as the Certified Pool Operator, would issue keys. It was also noted that Lovell Safety Management has sent a flier concerning employment of minors, and it was distributed to Board members.
- Councilman Uhteg has talked to Hoffman Construction, who is currently doing the re-roofing work at the Park, which is anticipated to be complete next week, and it was determined that Mr. Hoffman could build a shaded area for inside the pool fence, which would be a 20' x 14' white metal roof, at a cost of \$2,700.00. He stated that Mr. Hoffman has agreed that he could finish the construction before swim lessons start on July 7th. Therefore, a motion was made by Phelps, seconded by Bean, to authorize the construction of the shade roof by Hoffman Construction, at a cost of \$2,700.00. Carried, 4 ayes, 1 absent, 0 noes. Attorney DiFilippo stated that just a simple contract was needed for the project.
- Richard Rogers has requested authorization for trip for the Senior Citizens. This trip will be on July 21st to Rochester, NY, for a luncheon cruise on the Harbor Town Belle. On a motion by Phelps, seconded by Uhteg, the Senior Citizens were authorized to schedule the trip, with the cost to the Town not to exceed \$3,500.00. Carried, 4 ayes, 1 absent, 0 noes.

Attorney Anthony DiFilippo, III, then updated the Board on the Legal issues concerning the Town. He stated that in the Gernatt matter, has been re-scheduled to July 10th. He stated that all the paperwork has been submitted, and are awaiting a reply. In the Waste management issue, the final Court Order was received, and the Record of Appeal in the co-Gen plant litigation is being put together for filing with the Appellate Division; and in the other Waste Management issue, that regarding the Zoning Ordinance, and contending that the Town did not consider the Comprehensive Plan when drafting the new Ordinance, the Discovery and Demands need to be completed by the

end of June. Mr. DiFilippo stated that the CEO, Marvin Zielonka, is on hand and will be included in an Executive Session at the end of the meeting regarding in the Kimball unsafe structure matter, which is scheduled to be heard in Sardinia Justice Court on Tuesday evening, June 17th. Mr. DiFilippo also stated that the Koch/Best issue will be discussed in Executive Session, since it involves potential litigation. The Attorney stated that, also this month, he prepared the Hoffman Construction contract, as well as completing other routine matters. He stated that he also researched the Conflict of Interest question that was brought up last month, and agrees with the Town's Ethics Committee findings, that there is no conflict. Mr. Kenyon asked if it was allowed to discuss the contention alleged made by Mr. Kimball that there is still a historical value to the house. That was discussed, and it was also noted that Mr. Kimball, while tearing down portions of the burned out structure, is only moving it to the back of the property. Attorney DiFilippo stated that had been mentioned by the CEO. That concluded the Attorney's report.

The Town Clerk gave her financial report for the month of May 2008, and it was noted that CEO Marvin Zielonka has also submitted his report for May 2008.

Councilman Phelps stated that the Tiny Tots Recreation attendants, since the program has ended for the summer, are resuming their work painting the top floor of the Town Hall/Community Center, and have asked if they might paint the bathrooms on that floor, also. The Board agreed that would be fine.

The Planning Board has submitted the minutes of its May 7, 2008, and its May 21, 2008 meetings. Councilman Bean stated that the Planning Board has indicated that the Town Board is the reason for the higher cost of the lighting in the back of the building, and stated she felt it was more of an inflation issue. She also stated she would like to see and adjournment time added to the Planning Board's minutes. The Planning Board's minutes for the month of May were received and filed on a motion by Phelps, seconded by Uhteg, and carried, 4 ayes, 1 absent, 0 noes.

After review by the Board members, on a motion by Phelps, seconded by Bean, General Fund Warrant #6 including vouchers #266 through #318, and totaling \$39,321.50; and Highway Fund Abstract #6 including vouchers #69 through #79, and totaling \$13,439.84, were approved for payment, carried, 4 ayes, 1 absent, 0 noes.

There were no speakers under Privilege of the floor; however, a member of the Historical Society stated that there is a carpenter bee problem at the Old Town Hall. It was suggested that an exterminator be contacted, and the Cornell Cooperative Extension in East Aurora. Councilman Phelps stated she would contact Cornell.

Deputy Supervisor Kenyon stated that Diana Bockhahn and Amanda Glasner will not be employed as lifeguards for this summer's Recreation Program and Councilmen Phelps has made the recommendation that the Jami Levy be hired as a lifeguard at the rate of \$8.00 effective immediately. The following resolution, to be known as Resolution #36 of 2008, was then introduced by Phelps, seconded by Bean:

RESOLUTION #36 - 2008

BE IT RESOLVED, by the Sardinia Town Board, that Jamie Levy be hired as a lifeguard at the rate of \$8.00/per hour, effective immediately.

Upon roll call vote, Bean, aye, Phelps, aye, Uhteg, aye, Kenyon, aye, Balus, absent. So Resolved.

Deputy Supervisor Kenyon stated that Highway Superintendent Baker brought up the issue of changing and reducing the speed limit on East Schutt Road at the May meeting, but no action was taken. The new speed limit, and what it should be, was discussed, with Mr. Kenyon stating that he felt 55 mph was too high, but that 35 mph was too low. After discussion, it was decided that 40 mph would be acceptable to all. Therefore, on a motion by Phelps, seconded by Bean, the speed limit on East Schutt Road, from Route 16 (Olean Road), east to the town line, shall be reduced to 40 miles per hour, effective upon the proper placement of signs by the highway department. Carried, 4 ayes, 1 absent, 0 noes.

The Deputy Supervisor stated that Daniel Hoffman, of Hoffman Construction, has requested that he be paid some of the labor costs in advance, so that he can pay his employees as the work is done. The original contract did not contain any provision for this. The Town Attorney has drawn up an amended contract, in which the contractor will be paid in three installments. The following resolution, to be known as Resolution #37 of 2008, was then introduced by Phelps, seconded by Uhteg:

RESOLUTION #37 - 2008

BE IT RESOLVED, that the amended contract with Daniel P. Hoffman (Hoffman Construction) be approved by the Board.

Upon roll call vote, Bean, aye, Phelps, aye, Uhteg, aye, Kenyon, aye, Balus, absent. So Resolved.

Mr. Kenyon asked that the report from the Ethics Committee, which was requested at the May meeting, at which time they were directed to research the possible conflict of interest regarding the recent appointment of Councilman Kenyon, be received and filed by the Town Board. A motion was made by Phelps, seconded by Bean, to receive and file the report, showing the findings of the Ethics Committee to be that there is no conflict of Interest. Carried, 4 ayes, 1 absent, 0 noes.

The Board then discussed 2008 Pool Pass and Swimming Lesson Rates, and Councilman Phelps stated that last year, the rates had been adjusted, and resident rates had stayed the same, but non-resident rates had been increased slightly. After discussion, the Board was in agreement that the 2007 pool rates should stay the same for 2008. On a motion by Uhteg, seconded by Phelps, the pool rates will remain at the following:

Family Pool Pass, Town Resident: \$20.00

Family Pool Pass, Out of Town Resident:	\$35.00
Swimming Lessons, Resident:	FREE
Swimming Lessons, Out of Town Resident:	\$20.00 per child, not to exceed \$50.00 per family
Daily swim, Resident:	\$1.00
Daily Swim, Out of Town Resident:	\$3.00

Carried, 4 ayes, 1 absent, 0 noes.

Councilman Phelps stated that registration for lessons, will be held on June 21st and June 28th, and family passes may be purchased at that time.

Deputy Supervisor Kenyon stated that the secretarial position for the ZBA had been discussed last month, and it was felt that rather than just a dedicated ZBA secretary, it should be a secretarial pool position, so that this person could be used whenever and wherever needed, with possible training on the bookkeeping program in the event that Peggy O'Brien, the Supervisor's secretary, is on vacation. The Civil service title would be "Clerk Typist Part-time. It was noted that the position was advertised and only 1 application has been received so far, but that the position must be created before it can be filled. Therefore, the following resolution, to be known as Resolution #38 of 2008, was introduced by Phelps, seconded by Uhteg:

RESOLUTION #38 – 2008

RESOLVED, the Sardinia Town Board hereby creates the position of "Clerk Typist Part-Time", to be paid at the hourly rate of \$11.00, with the person holding this position filling the role of ZBA Secretary, and completing other tasks as directed by the Supervisor or the Town Board.

Upon roll call vote, Bean, aye, Phelps, aye, Uhteg, aye, Kenyon, aye, Balus, absent. So Resolved.

The Deputy Supervisor stated that buildings caretaker and parks maintenance person Denny Dick has been purchasing stain for use in the park a gallon at a time. He has notified us that he can save a considerable amount if he can purchase it at Valu Home Center, and he estimates that he will need approximately 20 additional gallons to complete the work he has started. The Board felt this was agreeable, and the following resolution, to be known as Resolution #39 of 2008, was introduced by Phelps, seconded by Bean:

RESOLUTION #39 – 2008

BE IT RESOLVED, that Denny Dick be allowed to purchase stain at Valu Home Center, the cost of which is not to exceed \$250.00.

Upon roll call vote, Bean, aye, Phelps, aye, Uhteg, aye, Kenyon, aye, Balus, absent. So Resolved.

Mr. Kenyon reported that on June 5th, a meeting was held regarding the issuance of permits for water wells for drinking water in the Chaffee Water District, and in attendance was Code Enforcement Officer Marvin Zielonka, himself, and one representative each from the New York State Department of State, the New York State Health Department, and the Erie County Health Department. He stated they were informed by the officials that the Chaffee Water Works is considered a public water system, and that all residences in the area served by the system must be connected to the system, and were also informed that the Town of Sardinia cannot issue permits allowing the drilling of a water well to provide drinking water to anyone in the district. Mr. Kenyon stated that CEO Zielonka has recently issued two such permits, and the officials stated that these must be rescinded. He stated that he and the CEO were given information on the issue, which they would like to forward to the Town Attorney for his review, but in the meantime, CEO Zielonka will need to rescind the two permits that have been issued, and each \$50.00 permit fee will need to be refunded. The following resolution, to be known as Resolution #40 of 2008 was then introduced by Bean, seconded by Phelps:

RESOLUION #40 – 2008

BE IT RESOLVED, that the \$50.00 permit fee paid by each of the two applicants for permits for water wells in the Chaffee Water District is to be refunded by the Town Supervisor.

Upon roll call vote, Bean, aye, Phelps, aye, Uhteg, aye, Kenyon, aye, Balus, absent. So Resolved.

The Chaffee Water issue was discussed briefly, with no one having an answer to the problem, and decision day for funding of upgrades to the water system was last Thursday, and no one has heard the status of that funding.

Deputy Supervisor Kenyon stated he has been approached by a Town official asking if the mileage reimbursement rate could be adjusted due to the increased fuel costs. The rate is currently set at \$.45 per mile, and it was set at \$.445 per mile last year. Discussion was held and it was noted that the IRS allowable rate is \$.50.5 per mile. On a motion by Uhteg, seconded by Phelps, the mileage reimbursement rate for Town employees was increased to \$.50.5 per mile. Carried, 4 ayes, 1 absent, 0 noes.

The Deputy Supervisor stated that the 2008 Town budget includes \$3000 for "Other Culture and Celebrations", which includes the Memorial Day breakfast, the summer concerts, the Labor Day Celebration, and the Christmas tree lighting ceremony. As of this date there is a balance of \$2578 in the line. He stated there has been a request for funding for the summer concerts. Mr. Kenyon stated there has also been a request to advertise the Labor Day Celebration, and asked for the opinions of the Board members. Councilman Bean asked how many concerts were included, and was told there are five scheduled. She stated that she felt the Town was funding too many celebrations. Mr. Kenyon stated that the Labor Day celebration last year cost approximately \$1,900.00. After discussion, a motion was made by Uhteg, seconded by Kenyon allocate the \$2,578.00 as follows: \$2,200.00 for the Labor Day celebration

and the Christmas celebration, and \$1,200.00 for the concerts. Carried, with Phelps, Uhteg, and Kenyon voting aye, Supervisor Balus absent, and Bean voting no.

Deputy Supervisor Kenyon stated that the Fire Company has expressed an interest in a retirement program, and would like to have a meeting with the Board, so that the Board can decide if they want to send it to referendum. Councilman Phelps stated she had attended one with Supervisor Balus and the Firemen. Councilman Uhteg stated that the Board needs to hear from insurance companies. The scheduling of a meeting was discussed, and it was felt that a week night would be better, and it should be done before the July meeting. The Clerk noted that it needs to be advertised. On a motion by Phelps, seconded by Bean, the Work session was scheduled for Tuesday, July 8th at 6:30 PM. Carried, 4 ayes, 1 absent, 0 noes.

Questions included:

- Chuck Tobin asked about the ramp in front of the entrance to the new Park restrooms. Councilman Uhteg stated he had discussed that with the blacktop contractor, and he suggested rolled limestone, instead of blacktop, and that he could do that when he does the basketball court blacktop. It was felt it should be done for the carnival, and Councilman Uhteg stated he would contact the Highway Superintendent to do a temporary fix.
- John Schiener asked where the playground equipment, including a swing set and slide, went that was removed when the new playground equipment was installed at the Genesee Rd. Park, stating that Town equipment cannot be disposed of without Board approval. It was noted that the Highway Department had removed it, and Mr. Kenyon stated he would ask how it was disposed of.
- Doug Domster asked if the Town really needed to pay someone to do the landscaping, and Councilman Bean stated that it was more than just a lot of work, but also a matter of knowing which bushes need to go, and what plants to put in their place. It was suggested that a compromise could be met with the employees doing the cleaning up work.

Mr. Kenyon announced the following:

Next meetings will be held as follows:

Regular Town Board Meeting- July 9th, 7:30 PM

Special Meeting/Work Session with the Firemen – July 8th, 6:30 PM

Planning Board meetings:

June 18th @ 7:30 PM

July 2nd @ 7:30 PM

Other Information:

- Firemen's Annual Carnival, July 4th, 5th, 6th
- Sardinia Historical Society – 2nd Annual Ecumenical Church Service at the Old Town Hall, July 20th @ 11:30 AM
- Concert in the park, Thursday, July 24th (tentative)
- Labor Day in the Park Celebration, September 1st
- The Kiwanis Club will be holding a Mystery Dinner Theater on October 4th at the Hearth Restaurant, tickets are available from any Kiwanian.
- Sign-ups for the Labor Day in the Park Committee can be done at the table in the back of the room.

Deputy Supervisor Kenyon stated that Felecia Meyers has requested that the Town place ads for vendors for the Labor Day event, and on a motion by Phelps, seconded by Uhteg, the Clerk was authorized to place the ads as requested by Ms. Meyers for the Labor Day in the Park. Carried, 4 ayes, 1 absent, 0 noes.

On a motion by Phelps, seconded by Bean, the Board moved into Executive Session at 9:17 PM to discuss the Kimball, and Koch/Best legal issues, inviting the Code Enforcement Officer to attend the Session. Carried, 4 ayes, 1 absent, 0 noes.

On a motion by Phelps, seconded by Uhteg, the Board resumed the Regular meeting at 10:08 PM. Carried, 4 ayes, 1 absent, 0 noes.

There being no further business to come before the Board, on a motion by Phelps, seconded by Uhteg, the meeting was adjourned at 10:09 PM. Carried, 4 ayes, 1 absent, 0 noes.

Respectfully Submitted,

Town Clerk

