

## 8-13-2008 – REGULAR TOWN BOARD MEETING

Present:

Councilman Ronald L. Kenyon  
Councilman Heather M. Phelps  
Councilman Norman J. Uhteg  
Supervisor Kathleen M. Balus

Absent:

Councilman Ann M. Bean

Also Present:

Town Clerk Betsy A. Marsh  
Approx. 30 guests

The Sardinia Town Board held its regularly scheduled Board meeting for August on August 13, 2008 at the Sardinia Town Hall/Community Center. Supervisor Balus called the meeting to order at 7:30 PM, with a reading of a Prayer for our Soldiers, which was read at the Historical Society's Ecumenical Service last month. She then led the Pledge to the Flag.

The Town Clerk has submitted the minutes of the July 9, 2008 Regular Town Board meeting, and the minutes of the July 8, 2008 Special Meeting concerning the proposed Firemen's Service Award Program. These minutes were approved and filed on a motion by Phelps, seconded by Uhteg, and carried, 4 ayes, 1 absent, 0 noes.

The Supervisor's report included:

- Community Cause: Judy Tobin made the presentation of a check to the Sardinia Historical Society in the amount of \$336.00, specifically for the kickoff of their fundraiser to purchase tables and chairs for the Old Town Hall. The check was accepted by Virginia Domes, who announced that the Society will be holding a fish fry and plant sale, also to raise funds for the tables and chairs. Ms. Tobin announced that this month's Community Cause is the Labor Day in the Park event.
- Supervisor Balus announced that the Town has received a dividend check for \$3343.09, representing 20% of paid premium for policy year 7/06 to 7/07, from Lovell Safety Management, and read a letter from that company, which explained that the dividend is for having no reported accidents during that period.
- The Supervisor stated she had met with members of the Historical Society and Tania Wezbiky from the NY State Preservation League, who had several questions regarding the grant and explained the selection process. The Supervisor stated that the grant process is progressing well, and stated that we will know later this year if the grant is awarded to the Town.
- Supervisor Balus stated she met with Citizens Committee to discuss the plans and organization of Labor Day in the Park.
- She also stated she has been involved with the researching of cabling costs and telephone upgrade options for the Town Hall/Community Center.
- The Supervisor stated that she organized a major overhaul of the gardens at the front of Veteran's Park, which included work done by landscapers that do work at her home, and that work was donated by her. She stated that Buckwheat's Florist and Garden Center donated 35 flats of flowers. The Supervisor stated that the entire project cost less than \$1,000.00, with the only real expense being \$800.00 for mulch.
- The Supervisor stated she had worked toward trying to resolve the problem of commercial trucks in Residential Districts. She stated she has found a section of law that she feels pertains, and stated that apparently "No Trucks" signs are put up by the State and County in conjunction with "Children at Play" signs, and stated that whoever took them down had no right to do so. She will be sending that section of the Transportation Law to Attorney DiFilippo for review and interpretation when he returns from vacation.

Discussion items included:

- A request was received for a \$15.00 refund for an out-of-town swim lesson sign-up fee. After discussion, it was decided that next year, the registration forms will say "non-refundable", but because there is nothing stating that, all Board members were in agreement that the \$15.00 sign-up fee would be refunded.
- Concerning the Chaffee-Sardinia Fire Company Service Award Program, Supervisor Balus stated that the Board still needs to hear back from Attorney DiFilippo as to who on the Town Board is eligible to vote on the program, and with Councilman Bean's absence, the 60% of the Board needed for a vote would not be a certainty. Councilman Uhteg stated that Mr. DiFilippo also needs to get back to the Board with a time frame needed for the legality of a referendum. The Supervisor stated he matter will be re-entertained at next month's meeting.
- Concerning a proposed project to erect House Numbers to aid emergency services personnel, the Supervisor questioned if the Fire Company still wants to go forward with the project. She stated that budget time is approaching, and she will need to know whether or not to include the \$5,000.00 in the Fire District budget for 2009. The matter was discussed, and Councilman Kenyon stated it would be one of the best programs that the Town could do. The Board felt that the signs should be uniform, and on road right-of-way.

Councilman Phelps gave a Youth Committee report. She stated that the Tiny Tots Recreation program will be starting up on September 9<sup>th</sup>, and there are 12 three year olds, and 8 four year olds signed up. She also stated that the Tiny Tots staff would like to paint a mural and hang it over the chalk board in Room 200, which is their reading room, if there is no objection, which there was none. Ms. Phelps stated that the prices this year will be \$10.00 per month for in-town children, and \$20.00 per child for out-of-town residents. Councilman Phelps stated that there is a

speaker tube as part of the new playground which is apparently being misused, and the Youth Committee would like the Highway Superintendent to take it out for safety purposes. She stated that the End of the Year Recreation picnic will be held this Friday, August 15<sup>th</sup> at 6 PM, and Earth Spirit will be holding a Survival Day at the Woodlands on Friday, also. She stated that the Pool staff has also asked if a swinging gate can be installed between the pool and the kiddie pool, but Ms. Phelps stated that she already found out that the Health Department will not allow that. The Councilman stated that Seabreeze was well attended and everyone had a great time. Councilman Kenyon asked about the work at the base of the old playground at Genesee Rd., and Councilman Uhteg stated it has none been done yet. There was discussion about the rubber mulch, which has not worked out well at the Genesee Rd. park because it is getting thrown around. It had been suggested that the rubber mulch be moved to the playground behind the Town Hall/Community Center, but Board members felt it may end up in the lawn and the parking lots. The Supervisor suggested that it be used at Manion Park, since that park does not get as much usage. Councilmen Phelps stated there is nothing new concerning the automatic external defibrillator.

Councilman Uhteg stated that Stevens Electric has executed the contract for exterior lights at the Community Center, but has not yet started. The Clerk stated she had spoken to Mr. Stevens today, and he is trying to wait for a day with no rain. Mr. Uhteg also stated that he has received the signed petition from property owners asking for the creation of a street lighting district on Timelessview Drive and Joshua Lane in the Mountainview Subdivision. He stated he will now send these to Attorney DiFilippo. He stated the cost will be less than \$100.00 per property on their tax bills. Concerning the new chlorination system at the Town Hall/Community Center, Mr. Uhteg stated that he has been contacted by Danny Heineman concerning testing of the well as mandated by Erie County. Jay Patronik of the Health Department has sent a fax listing the necessary tests and has notified that the cost will be \$1,500.00. On a motion by Kenyon, seconded by Phelps, the Board agreed to include microbiological, VOC, including MTBE, SOC, nitrate, and nitrite testing, as mandated by Erie County, of the water system at the Town Hall/Community Center, at a cost of \$1,500.00. Carried, 4 ayes, 1 absent, 0 noes.

Councilman Kenyon stated he has spoken to Peter Gorton of Panamerican Environmental, who stated that it would be "apples and oranges" to compare testing for landfill contamination and for water quality in the rest of the Town. Mr. Gorton explained that the Town must come up with goals for the testing program, including what the Town wants to test for. He stated that the landfill portion would be expensive because there must be a trend analysis. After discussion, the Board felt that perhaps both programs could be done. Supervisor Balus stated that the grant from Senator Volker's office is no longer available, but felt that Town should move forward and budget the money for both types of tests. She stated the Town has historical data around the landfill from previous years. Mr. Kenyon will contact Mr. Gorton to see if they can go ahead with the Panamerican program with the trend analysis and to get a quote on the random testing program. Mr. Kenyon also stated he has met with Tom Lewis of Waste Management concerning scheduling of the next Household hazardous Waste Drop Off Day. The suggested date is the last Saturday in September, and the Board felt that an informational meeting to define Household hazardous waste for the residents would be beneficial. Mr. Lewis agreed to speak at the meeting, and stated the company would send out a flier of the scheduled Drop off Day if the Town would advertise the public informational meeting, which was scheduled for 7:00 PM on September 10, 2008, immediately preceding the regular September Board meeting.

The Supervisor asked if the stump had been removed at the back of the building, and was informed that it has not been removed. Councilman Uhteg stated he would contact the Highway Superintendent. Supervisor Balus also noted that the Summer Concert series at the gazebo in the Park has been a huge success, with a total of about 400 people having attended, with a lot of Senior Citizens taking advantage of the program. She stated that on August 21<sup>st</sup>, the concert will feature Irish music.

Supervisor Balus stated that, though Attorney DiFilippo is not here due to vacation, he did send a short note informing that in the Town Board's Article 78 action against the ZBA, oral arguments were held on July 16<sup>th</sup> in front of Supreme Court Judge Devlin, who has reserved decision. The Supervisor stated she feels that it is a shame that the Town has had to spend approximately \$40,000.00 in legal fees for both sides of that lawsuit.

The Town Clerk's monthly report for the month of July 2008 was read and the Supervisor noted that the Code Enforcement Officer's report for July has also been received by the Board.

The Planning Board has submitted the minutes of its July 2, 2008, July 16, 2008, and July 30, 2008 meetings. The Supervisor stated in answer to the Planning Board's minutes stated she has not yet spoken to the Supervisor of Yorkshire concerning bringing water from their water system into the Town of Sardinia because she is not sure if Yorkshire water will solve the fire protection problem, since it was stated at a previous meeting that Arcade's water system would provide more pressure. She stated that Clark Patterson Lee is still reviewing the project and she wondered what the Board's feelings were on getting its own engineering firm to review. Councilman Uhteg stated he was comfortable talking with Clark Patterson Lee. Councilman Kenyon stated he was uncomfortable relying on the developer's engineering firm. Mr. Uhteg asked if the lack of water from wither Yorkshire or Arcade would stop the Tri-County Business Park project, and was informed by Planning Board Chairman Dan Miller that it would not, and that the developer could put in his own well and septic. Mr. Miller also stated that Clark Patterson Lee is not the developer's engineering firm, they were hired by the Erie County Industrial Agency. He also suggested that the Town could drill its own well and develop its own water source. The matter was discussed. It was noted that a petition would be needed for a water district to be created, and Board members wondered if those businesses with a good water supply already would be willing to be in a district. The Supervisor stated she would feel more comfortable with the Town's own engineers, and stated that TVGA is under contract, and only a work order would be needed.

The Zoning Board of Appeals has submitted the minutes of two Variance hearings, both held on August 5, 2008, one for applicant Phillips, and one for applicant Wojik. These minutes 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 Kenyon, seconded by Phelps, General Fund Warrant #8 including vouchers #373 through #436, and totaling \$35,247.08; and Highway Fund Abstract #8 including vouchers #95 through #108, and totaling \$48,854.69, were approved for payment, carried, 4 ayes, 1 absent, 0 noes.

Under Privilege of the Floor, David Kuntz asked if there was a noise ordinance in Sardinia, stating that the Sardinia Rod & Gun Club starts shooting on Sundays at 8:00 AM. The Supervisor stated that the Town has discussed a noise ordinance in the past and it is very difficult to enforce because a decibel meter would be required, as well as a certified operator to run it. Also, the noise would have to be constant to be metered. She stated it is better just to try to solve the individual problem.

Supervisor Balus stated that concerning Labor Day in the Park, **as** the Town Board has agreed to sponsor the 3<sup>rd</sup> Annual Labor Day in the Park on September 1<sup>st</sup>, the Citizen's Committee has requested that the Board authorize the Supervisor to sign 2 contracts for entertainment with 1) "Tiger Tom" Walsh Entertainment contract for \$300 and 2) Lake Effect, which will be performing two 45 min. shows for the price of \$625. On a motion by Phelps, seconded by Uhteg, the Supervisor was authorized to execute the two contracts for the entertainment acts Tiger Tom, in the amount of \$300.00, and Lake Effect, in the amount of \$625.00, for the Labor Day in the Park event. Carried, 4 ayes, 1 absent, 0 noes.

Supervisor Balus stated she has researched the issue of adding additional phones and voice mails as per the request of the Planning Board and the several discussions relating to an Emergency Coordinator Office. She stated she has received a quote from Mac Source Communications in the amount of \$1975 which includes cabling for computers and phones. Network Services has proposed approximately \$145.00 per cable depending on what material it will be necessary to drill through; this would include only cabling for computers, not phones. The matter was discussed, and there was a question as to what each cost covered. Councilman Uhteg stated he would contact and find out. The Supervisor stated that there has been discussion about moving the Supervisor's office upstairs and combining it with an office for an Emergency Services Operations Center and three desks would be outfitted with cabling and phones. Councilman Kenyon stated that the County is pushing for towns top have the Emergency Services Operations Centers. After discussion about such a plan, it was decided to put a "Do not exceed" price on the work. On a motion by Kenyon, seconded by Phelps, the Board voted to go forward with the phone and cabling project at a cost not to exceed \$2,400.00. Carried, 4 ayes, 1 absent, 0 noes.

The Supervisor stated that she had interviewed an applicant for the secretarial pool, and was ready to recommend her for hire at tonight's meeting, but that the person declined the position at the last minute due to better benefits elsewhere. She stated there is one more resume to look at. ZBA Chairman Mike Hannon stated that after September 1<sup>st</sup>, Patty Thornton will no longer be available to temporarily fill the position due to her regular job. It was decided that the ad for the position should be run again, this time with the rate of pay listed.

Supervisor Balus stated that Councilman Heather Phelps and Councilman Ann Bean have requested the hiring of Laura Marshall, Christine Eisensmith, and Lesa Warner as the Tiny Tots Recreation attendants, to be effective immediately. On a motion by Uhteg, seconded by Phelps, Laura Marshall, Christine Eisensmith, and Lesa Warner were hired as Tiny Tots Recreation Attendants, at the rate of \$7.70 per hour, effective immediately. Carried, 4 ayes, 1 absent, 0 noes.

The Supervisor stated that, effective July 8<sup>th</sup>, Debbie Smith has resigned her position as Deputy Town Clerk. Town Clerk Betsy Marsh has requested that the Town Board hire Jen Bray as the Deputy Town Clerk at the rate of \$11.00 effective July 15<sup>th</sup>, 2008. On a motion by Phelps, seconded by Kenyon, Jennifer Bray was appointed as Deputy Town Clerk at the hourly rate of \$11.00, effective July 15<sup>th</sup>, 2008. Carried, 4 ayes, 1 absent, 0 noes.

In the question portion of the meeting, Gene Parzych stated that he has land in Allegany County, has seen the uniform house numbering signs, and suggested that the Board contact the Allegany County Fore Coordinator for prices and styles. Councilman Kenyon stated he would do so.

Dave Kuntz stated that \$15,000.00 for five water tests is very expensive. Supervisor Balus stated that the tests are very comprehensive and complicated, and the testing is very expensive.

Supervisor Balus then made the following announcements:

The next Town meetings are scheduled as follows:

- The next Regular Town Board Meeting will be held on September 10, 2008, 7:30 PM, with an informational meeting on Household Hazardous Waste to be held before that meeting at 7:00 PM
- The next Planning Board meetings will be held on:  
August 20<sup>th</sup>, 2008 7:30 PM  
Sept 3<sup>rd</sup>, 2008 7:30 PM

Other Information included:

- There will be a "Steak Bake" at Veterans' Park sponsored by the American Legion Post, August 16, 2008
- There will be a Concert in the Park, August 21, 2008 featuring an Irish music group at 7:00 PM
- The annual "A Day in the Country", will be held at The Olmsted Camp on August 23, 2008
- Labor Day in the Park will be held on September 1<sup>st</sup>, noon to 5:00 PM
- The Historical Society is sponsoring a Fish Fry and Mum Sale to benefit the purchase of new chairs and tables for the Old Town Hall, to be held on September 26<sup>th</sup>
- The Senior Flu Clinic will be held on November 7<sup>th</sup> from 9:00 AM until 1:00 PM
- The Fire Company will hold its annual Tool Raffle on September 14<sup>th</sup> at the Sardinia Fire Hall

There being no further business to come before the Board, on a motion by Phelps, seconded by Uhteg, the meeting was adjourned at 8:45 PM. Carried, 4 ayes, 1 absent, 0 noes.

Respectfully Submitted,

Town Clerk

