

**TOWN OF SAND LAKE TOWN BOARD MEETING
JULY 13, 2011**

The monthly meeting of the Sand Lake Town Board was held on July 13, 2011 at 7:30 P.M. at the Sand Lake Town Hall. After the Pledge of Allegiance, the following answered roll call:

PRESENT: Councilwoman Kronau
Councilman Splain
Councilman Turner
Supervisor Rounds
Town Attorney Donna Cole-Paul

ABSENT: Councilman Glasser

RECORDING SECRETARY: Barbara A. Biittig, Town Clerk

OTHERS PRESENT: Clyde Heffner, Rob Dressner, Justin Schultz, Fred Erickson, John McEvilly, Tom Hatcher, Barbara Martinage, Bernadette Mardon, Russ Bennett and others.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

Supervisor Rounds made the motion to approve the minutes of June 8, June 16, & June 29, 2011. This was seconded by Councilman Turner.

MOTION CARRIED = UNANIMOUS

TOWN CLERKS REPORT – Barbara A. Biittig

- Money paid to Supervisor \$27,233.06
- Money paid to New York State Ag & Markets for spay/neuter program \$87.00
- Money paid to State Health Dept. for Marriage Licenses \$112.50
- Money paid to the Dept of Environmental Conservation (Fishing /Hunting) \$745.44

Reminder that the Town Clerk's Office is open every Sat. from 9-12 Noon. This enables Town Residents to purchase stickers, punch cards, garbage bags, etc for the convenience facility.

Cathy Crawmer, the Towns Animal Control Officer has written a very informative article on Bears In My Yard. I have had many calls about sightings of cubs and large Bears on Best Road, Rt 43 and everywhere in between. Her article answers a lot of questions about this issue. You can access it on the Town's Web site, the Advertiser and copies are in my office. Thank you Cathy for your information.

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My Deputy and I will be attending a Webinar on Friday, July 15, 2011, regarding the new marriage laws that go into affect on Sunday, July 24, 2011. For more information you can call my office at 518-674-2026 ext 22.

The names of the men and women currently serving in the armed forces that were given to me by family members have been placed on the Town Plaque in the main foyer of the Town Hall.

New requirements for Passport's is that the Birth Certificate must have a raised seal, plus names of both parents and date it was filed in order for it to be used to obtain a Passport.

Please feel free to contact my office if you have any questions at 518-674-2026 ext. 22.

SUPERVISOR'S REPORT – On file in the Town Clerk's Office

COMMITTEE REPORTS:

ENGINEEERS REPORT – Mark Kestner – On file in the Town Clerk's Office.

PLANNING BOARD – Justin Schultz – On File in the Town Clerk's Office

BUILDING/ZONING – Fred Schreyer. – On file in the Town Clerk's Office

YOUTH – Barbara Glasser – None at this time

BOARD MEMBERS REPORTS:

PUBLIC WORKS – Supervisor Rounds- On file in the Town Clerk's Office.

HIGHWAY – Supervisor Rounds - On file in the Town Clerk's Office.

VETERANS – Paul Splain- None at this time

PARKS AND RECREATION – None at this time.

CABLE – None at this time

PHYSICAL FACILITIES – None at this time.

INTERNAL CONTROL – None at this time

CULTURE AND ARTS - Christine Kronau - On file in the Town Clerk's Office.

PLANNING OVERSIGHT/LINKAGE STUDY – Christine Kronau – On file in the Town Clerk's Office.

YOUTH – Christine Kronau – On file in the Town Clerk's Office.

SENIORS/SENIOR VAN – Christine Kronau – On file in the Town Clerk's Office.

ANIMAL CONTROL – John Glasser – None at this time

STREET LIGHTS – John Glasser – None at this time.

BEACH – John Glasser – None at this time

LIBRARY – Ray Turner – On file in the Town Clerk's Office.

AMBULANCE/PUBLIC SAFETY – Ray Turner – On file in the Town Clerk's Office

ZONING UPDATE – Ray Turner – None at this time.

COMMENTS FROM RESIDENTS:

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Tom Hatcher – Questioned why Garner Road was sealed twice with tar. The tar spray was very bad he reported. He does appreciate the Town Crews and all their work.

Fred Erickson – Co-chairman of the Sand Lake Bicentennial Committee – gave update on the Celebration for 2012.

Barbara Martinage questioned Executive Session and how it was going to work. Would the Board be returning with new Resolutions or?

Bernadette Mardon wanted to know why does Councilman Splain not have any committees? Councilman Splain stated that “I do the Supervisor’s Job”

Robert Dressner stated that he appreciates what Litigation is but feels that the Town Residents have a right to know information about cost, insurance etc.

APPROVAL OF THE AGENDA –

Supervisor Rounds motioned to approve the Agenda. This was seconded by Councilman Turner.

MOTION CARRIED = UNANIMOUS

RESOLUTION#53 - 11

Set date for CPR Training at Town Hall

Councilwoman Kronau moved and Councilman Turner seconded the following resolution:

WHEREAS, CPR is a lifesaving technique useful in many emergencies in which someone's breathing or heartbeat has stopped, and

WHEREAS, the Sand Lake Ambulance has volunteered to instruct the Town Hall Employees free of charge in this life saving technique; and

WHEREAS, the CPR training class will take approximately two hours; now therefore

BE IT RESOLVED, that the Sand Lake Town Hall will be closed on August 16th, 2011 from the hours of 9:00AM to 11:00AM for the purpose of instructing CPR to interested Town Hall employees.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#54- 11

Authorization to Bid Masonry Work for Town Hall (Phase Three of Renovations)

Supervisor Rounds moved and Councilman Turner seconded the following resolution:

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WHEREAS, the Town Board wishes to request Bids for the final phase of the renovation project for the Town Hall; and

WHEREAS, the following Bid Specifications have been reviewed and agreed to by all parties involved with the renovations; now therefore

BE IT RESOLVED, that the Town Clerk shall issue a Notice to Bidders in the official newspaper for the town, the Advertiser, as well as the Dodge Report and the NYS Contract Reporter; and

BE IT FURTHER RESOLVED, that the Town Clerk shall have on file a copy of the bid specifications for review by potential bidders; and

BE IT FURTHER RESOLVED, that the deadline for submission of bid on this project shall be by the close of business on the 29th day of August, 2011; and

BE IT FURTHER RESOLVED, that the bids shall be opened and reviewed by the Town Supervisor and the Town Clerk at 9:00 am on the 30th day of August, 2011.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#55- 11

Authorization to Bid HVAC project (phase two of the Town Hall Renovations)

Supervisor Rounds moved and Councilman Turner seconded the following resolution:

WHEREAS, the Town of Sand Lake desires to make updates and improvements to portions of the existing HVAC systems at the Town Hall Facility; and

WHEREAS, the Town of Sand Lake has consulted with Edward J. Patanian in regard to the repairs which need to be made to the Town of Sand Lake building in the expectation that those repairs will be the second phase of the repairs needed and

WHEREAS, the Request for Bid, shall be placed in the official newspaper for the Town of Sand Lake and shall contain the specification as attached hereto; now therefore

BE IT RESOLVED, that the Town Clerk is hereby authorized to place the attached Request for Bid in the official newspaper for updates and improvements to portions of the existing HVAC systems for the Town of Sand Lake Town Hall Facility.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#56- 11

Authorization for Supervisor to sign Jaeger & Flynn Business Associate Contract

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Councilwoman Kronau moved and Supervisor Rounds seconded the following resolution:

WHEREAS, Jaeger & Flynn Associates is the Town of Sand Lake health insurance broker; and

WHEREAS, Jaeger & Flynn Associates provides consulting services to plan sponsors and group health plans on matters related to employee benefits; and

WHEREAS, to perform this function on behalf of the Town, Jaeger & Flynn is required to have access to Protected Health Information(PHI); and

WHEREAS, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires the Town to grant permission to this access; now therefore

BE IT RESOLVED, the Supervisor is authorized to enter into a Business Associate Contract between the Town of Sand Lake and Jaeger and Flynn at no cost to the Town which will grant Jaeger and Flynn permission to use, disclose and request from third parties PHI on behalf of the Town as stated in this contract.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#57 - 11

Acceptance of 2010 Audit for Town Justices

Councilman Splain moved and Councilman Turner seconded the following resolution:

WHEREAS, the Town Comptroller must complete an audit, in accordance with section 2019-A of the Uniform Justice Court Act, of all Town Justices; and

WHEREAS, the Town Comptroller has completed the audit; and

WHEREAS, the Town Comptroller has adopted an audit procedure, based on the Local Management Guide, Fiscal Oversight Responsibilities, published by the State of New York Office of the State Comptroller, on June 13, 2007 to be applied to the records of each Town Justice; and

WHEREAS, the Town Comptroller has completed the audit on June 8, 2011 with no issues or matters to be reported for corrective action and has submitted to the Town Board the results of the Comptroller's audit; now therefore,

BE IT RESOLVED, the Town Board accepts the results of the Town Comptroller's audit.

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ADOPTED = AYES 4 NAYS 0

RESOLUTION#58- 11

Approval of 2010 Audit for Town Officials

Councilman Splain moved and Supervisor Rounds seconded the following resolution:

WHEREAS, the Town Comptroller must complete an audit, in accordance with section 34 of Town Law, of all Town Officials that handle cash; and

WHEREAS, the Town Comptroller has completed the audit; and

WHEREAS, the Town Comptroller has adopted an audit procedure, based on the Local Management Guide, Fiscal Oversight Responsibilities, published by the State of New York Office of the State Comptroller, on June 13, 2007 to be applied to the records of each Town Official that handles cash; and

WHEREAS, the Town Comptroller has completed the audit on July 1, 2011, with no issues or matters to be reported for corrective action and has submitted to the Town Board the results of the Comptroller's audit; now therefore

BE IT RESOLVED, the Town Board accepts the results of the Town Comptroller's audit and the completed checklists, which include the Comptroller's comments and conclusions are made part of this resolution.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#59 - 11

Approval to increase mileage reimbursement rate

Councilman Splain moved and Councilman Turner seconded the following resolution:

WHEREAS, the Internal Revenue Service has announced an increase in the standard mileage reimbursement rate for the final six months of 2011, now therefore

BE IT RESOLVED, that Town Officials and Employees using their own vehicles for Town business shall be allowed the increased rate of 55.5 cents per mile for all business miles driven from July 1, 2011 through December 31, 2011.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#60 - 11

Approval of Part-time Appointment for Grounds Maintenance

Councilman Splain moved and Councilwoman Kronau seconded the following resolution:

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WHEREAS, the Department of Public Works is in need of additional help for the summer to assist with road work and the maintenance of the park, beach, and convenience facility; and

WHEREAS, said position shall not exceed more than three (3) days a week or more than 25 hours and shall receive no benefit from the town in regard to items such as, but not limited to, time accruals or retirement benefits; and

WHEREAS, Bob Martin was appointed to the temporary position at the April 13th Town Board meeting, but has resigned; and

WHEREAS, the Commissioner of Public Works has recommended the hiring of Alan Wendell as a temporary part-time position at a rate of \$10.00 per hour; now therefore

BE IT RESOLVED, that the Commissioner of Public Works, Larry Browe, has designated the hiring of Alan Wendell as temporary, part-time employee for the Town of Sand Lake for 2011 at the rate of \$10.00 per hour.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#61 - 11

Authorization for renewal of Generator Contract

Councilwoman Kronau moved and Supervisor Rounds seconded the following resolution:

WHEREAS, the Town of Sand Lake has had a service contract for preventive maintenance with Allstate Power Systems LLC since 2007, for the backup generators located at the Town Hall and the Public Works Facility; now therefore

BE IT RESOLVED, the Supervisor is authorized to sign the preventive maintenance contract for a period of one year with Allstate Power Systems LLC, for a total contract price of \$1,190.00.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#62 - 11

Authorization for Assessor to attend training

Councilman Splain moved and Supervisor Round seconded the following resolution:

WHEREAS, the Assessor for the Town of Sand Lake, Judith Goodyer, has requested to attend the NYSAA Seminar on Assessment Administration to be held September 11 – 14, 2011 in Buffalo, NY; and

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WHEREAS, her attendance at the seminar is necessary as part of her duties as Assessor for the Town of Sand Lake and due to her position as a member of the Associations' Executive Board; and

WHEREAS, the cost for said training will be \$175 for registration and \$675 for hotel and meals and these costs were budgeted for the Assessor's Office; now therefore

BE IT RESOLVED, that said Assessor Judith Goodyer is hereby authorized to attend said training in September and shall be compensated for the registration cost of \$175 plus an additional \$675 for meals and lodging while in attendance.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#63- 11

Authorization to rename Capital Project Account: Roof Repair (H009) to Town Hall Renovation (H009)

Councilwoman Kronau moved and Councilman Turner seconded the following resolution:

WHEREAS, the Town created a capital project for the purpose of expending monies for the roof repair of the Town Hall at the August 16th 2010 Town Board Meeting; and

WHEREAS, additional work is necessary to the Town Hall such as exterior repairs and the repair/replacement of the building's heating/air conditioning and ventilation system; and

WHEREAS, the Town has a capital reserve for buildings (A885) which can be utilized to further fund said project, now therefore

BE IT RESOLVED, that the Town Comptroller is hereby authorized to create said capital project fund, Town Hall Renovation (H009), for the purpose of funding all necessary and approved building repairs, and

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to transfer from the Capital Reserve Fund for Buildings (A885) an amount not to exceed \$8000.00 to the Town Hall Renovation Capital Project (H009) to be used to finance the cost of the replacement of the air conditioning unit in the State Police Building of the Town Hall.

Increase appropriations A 9950.9 Transfers to Capital by appropriating A885 Capital Reserve for Buildings in the amount of \$8,000.

Increase revenue H009 5031 Transfers In and increase appropriations H009 1620.2 Roof Repair Capital Project \$8,000.

ADOPTED = AYES 4 NAYS

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RESOLUTION# 64 - 11

Approval of engineering proposal for expansion of Sewer District No. 1

Councilman Turner moved and Councilwoman Kronau seconded the following resolution:

WHEREAS, the Town Board was presented with a contract for services from Kestner Engineering for services which are contained in Exhibit "A" of the proposed contract, but which include study and report of the feasibility of an expansion and will provide a projection of total project costs for the actual expansion of the district; and

WHEREAS, the contract is for services in a lump sum amount of \$6,200 and for such other expenses and hourly rates as set for in Exhibit C; now therefore

BE IT RESOLVED, that the Town Board wishes to contract with Mark L Kestner PE Consulting for the cost of \$6,200 for the review and creation of a report to discuss and outline the feasibility and cost of the proposed expansion of Sewer District No. 1.

ADOPTED = AYES 3, NAYS 1 (Councilman Splain voted Nay, Questioned if the Clerk of the Works George Wright had been consulted)

RESOLUTION#TABLED- 11

Approval to increase hours for Planning Board Secretary

Supervisor Rounds motioned to Table this resolution and Councilman Splain seconded.

MOTION CARRIED = UNANIMOUS

RESOLUTION#65 - 11

Approval of Increase Rate for Returning Staff for Beach Minimum Wage

Councilwoman Kronau moved and Councilman Turner seconded the following resolution:

WHEREAS, the Federal minimum wage was raised to \$7.25 per hour effective July 24, 2009; and

WHEREAS, Ann O'Brien according to the Town Pay Scale, is being paid the hourly rate of \$7.00; and

WHEREAS, it is required by law that any previously hired employee must be paid minimum wage; now therefore

BE IT RESOLVED, that Ann O'Brien will be paid the hourly rate of \$7.25 per hour for the 2011 season.

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ADOPTED = AYES 4 NAYS 0

RESOLUTION#66 - 11

Acceptance of Bid of Blair Construction for sale of Surplus Highway Vehicle

Councilwoman Kronau moved and Supervisor Rounds seconded the following resolution:

WHEREAS, the Town Board declared the 1986 International dump truck as surplus and therefore set the same out to bid for sale; and

WHEREAS, the Town Highway Department received bids for the purchase of said vehicle and has accepted the bid of Blair Construction for the sale of the vehicle for \$2,010; now therefore

BE IT RESOLVED, that the bid of Blair Construction for the purchase of said 1986 International dump truck VIN# 1HTZML6R3GHA59855 for \$2,010 is hereby accepted and the Supervisor is hereby authorized to sign said title to transfer said vehicle upon receipt of payment for the same.

ADOPTED = AYES 4 NAYS 0

RESOLUTION#67- 11

Budget Transfer/Amendments

Councilwoman Kronau moved and Councilman Turner seconded the following resolution:

Budget Transfer

FROM	TO	AMOUNT
A 1990.4 Contingency	A 1110.2 Justice Equipment	\$ 235.00
A 8020.4 Planning Board Contract.	A8020.2 Planning Board Equip.	\$ 121.00

ADOPTED = AYES 4 NAYS 0

Supervisor Rounds motioned to go into Executive Session at 8:26 PM to discuss Ongoing Litigation. This was seconded by Councilman Turner.

MOTION CARRIED = UNANIMOUS

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Supervisor Round reopened the meeting at 9:10 PM. He asked for questions regarding the Executive Session.

COMMENTS FROM RESIDENTS

Robert Dressner questioned the Board in regard to the Litigation about insurance, etc. Town Attorney Donna Cole Paul stated that documents he was referring to were foil able and that the insurance company was indeed notified and was considering the claim.

Supervisor Rounds motioned to adjourn the meeting at 9:50 PM. This was seconded by Councilman Turner.

MOTION CARRIED = UNANIMOUS

A complete accounting of all discussions on agenda is available for review on audio tape in the Town Clerk's Office.

Respectfully submitted,

Barbara A. Biittig
Town Clerk