

1-09-2020 – JANUARY REGULAR MEETING

Present:

Councilman Mike Domster
Councilwoman Jamie Emmick
Councilman Leonard R. Hochadel
Councilman John D. Marsh
Supervisor Beverly A. Gambino

Also Present:

Attorney for the Genesee Solar Farm – David DiMatteo, Esq.
Highway Superintendent Donald Hopkins
Town Clerk Jennifer L Bray
Approx. 16 guests

Supervisor Gambino opened the regular January meeting at 6:35 p.m. immediately following the 2020 Organizational meeting.

Supervisor Gambino stated that the first item on the agenda was for approval of the minutes from December 2019. Supervisor Gambino noted that there were three sets of minutes to be approved. The first was for the Public Hearing on Local Law No. 2-2019 to decrease the number of Planning Board members, the next was for the Public Hearing on Local Law No. 3-2019 for Code Adoption and the last was for the Regular December Board meeting. All three meeting were both on December 12, 2019. **On a motion by Emmick, seconded by Domster, the minutes were approved, as submitted. Carried, 5 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda is to approve the payment of the bills and noted that there were three sets of vouchers to be approved. **Warrant #13 of 2019, including vouchers #739 through #745, totaling \$6040.41, of which \$2,559.20 was for the General Fund and \$3,481.21 was for the Highway Fund. Warrant #14 of 2019, including vouchers #746 through #785, totaling \$21,259.47, of which \$10,236.65 was for the General Fund, \$7,142.12 was for the Highway Fund, \$2,728.30 was for the Fire Protection Fund and \$1,152.40 was for the Street Lighting Fund. Warrant #1 of 2020, including vouchers #1 through #23, totaling \$71,199.41, of which \$46,595.38 was for the General Fund and \$23,604.03 was for the Fire Protection Fund. On a motion by Hochadel, seconded by Domster, all three Warrants were approved for payment. Carried, 5 ayes, 0 noes.**

Departmental Reports were as follows:

Councilwoman Emmick reported that she would be working with Chris Warner to get the summer recreation program planned.

Councilman Hochadel welcomed new Town Board members John Marsh and Mike Domster. Councilman Hochadel requested permission to begin working on the concerts. **On a motion by Marsh, seconded by Emmick, Councilman Hochadel request to work on the concerts in the park was approved. Carried, 5 ayes, 0 noes.**

Councilman Domster and Councilman Marsh both thanked everyone for the opportunity to serve the Town.

Superintendent Hopkins updated the board on the status of the new truck and the surveying at Manion Park. Next Superintendent Hopkins reported that Auctions International had been in to take pictures of the items approved last month to be listed. Superintendent Hopkins requested permission to approve any sales due to the change in the date of the February meeting. **On a motion by Hochadel, seconded by Emmick, Superintendent Hopkins request to approve the Auctions International sales was approved. Carried, 5 ayes, 0 noes.** Next Superintendent Hopkins reported that he was concerned about two trees on Curriers Sardinia Rd. Superintendent Hopkins stated the trees are very large and keep dropping braches in the road. Superintendent Hopkins noted that one tree is just in the right of way and the other is not. Superintendent Hopkins stated that the according to the laws that he has the Town Board would need to enact a local law to provide for the trimming and removal of decayed trees in danger of falling into the road way or private property which pose a hazard to the public. Superintendent Hopkin asked the board if they would consider enacting a local law and stated he would like to get them removed because they are big and if the trees fall they would block the road. Supervisor Gambino noted that a Local Law would require a public hearing to be set and asked the board if they would like to set a public hearing for this proposed local law on February 10th at 6:30 p.m. before that regular February meeting. Attorney DiMatteo asked if Superintendent Hopkins had a local law and advised that a draft would need to be available ten days before the public hearing. Attorney DiMatteo also advised that if Superintendent Hopkins deemed the hazard imminent that the Town Board could pass by resolution to have the trees taken down. After a brief discussion Councilman Marsh proposed a resolution to remove the trees due to imminent hazard. **Therefore the following resolution, to be known as Resolution #2 of 2020, was moved for adoption on a motion by Marsh, seconded by Emmick:**

RESOLUTION #2 - 2020

REMOVAL OF TREES DUE TO IMMINENT HAZARD TO THE MOTORING PUBLIC

WHEREAS, the Town Board has been made aware the two trees on Curriers Sardinia Rd. have become an imminent threat to the motoring public and the roadway due to decay; and

WHEREAS, both the property owner and Highway Superintendent Hopkins are in agreement that said trees should be removed to remedy the imminent danger to the motoring public and the roadway; and

NOW, THEREFORE, BE IT RESOLVED, that Highway Superintendent Hopkins remove with the land owner's permission the two trees on Curriers Sardinia Road.

DULY ADOPTED, this 9th day of January, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino introduced Attorney David DiMatteo who the Board hired to handle matters regarding the proposed Genesee Rd. Solar Farm Project. Mr. DiMatteo stated that because of the size and magnitude of this solar project it falls under Article 10 and will be handled by the Department of State. He noted that while it involves both the Town of Concord and Town of Sardinia that it will be handled by the State. Therefore things, like hearings, will occur in different places in the State. Mr. DiMatteo stated that this makes things difficult because the impacts are here in the Town of Sardinia and it is difficult for the tax payers to feel that they have a voice in this project. Mr. DiMatteo noted that under Article 10 a fund is set up to study certain problems. Mr. DiMatteo advised that the Town hire experts to look at the possible impacts on the Town. Mr. DiMatteo stated the following resolution is for authorization to get request for proposals from engineering firms to provide services and analyze the potential impacts of a 350 megawatt photovoltaic solar energy facility would on the Town of Sardinia. **Therefore the following resolution, to be known as Resolution #3 of 2020, was moved for adoption on a motion by Marsh, seconded by Hochadel:**

RESOLUTION #3 – 2020

AUTHORIZING THE ISSUANCE OF REQUESTS FOR PROPOSAL

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board of the Town of Sardinia has acknowledged the Genesee Road Solar Energy Center as a proposed 350-megawatt (MW) photovoltaic (PV) solar energy generation facility (the "Project"), which may include approximately 50 MW (200 megawatt-hours [MWh]) of energy storage, in the Towns of Sardinia and Concord, Erie County, New York; and

WHEREAS, the Town Board of the Town of Sardinia has not yet received an official application from EDF Renewables (the "Developer") and understands that the Project is in the early stages of development; and

WHEREAS, the Town Board recognizes that a project of this magnitude in megawatts will be subject to Article 10 and is considering conducting scoping sessions to elicit any concerns of the public early on in the Project; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Sardinia to authorize Attorney David M. DiMatteo, as the Town's special counsel for this project, to issue Requests for Proposal ("RFP's") to local engineers to provide their services to assist with the Article 10 application and public scoping sessions; and

RESOLVED, that the Town Board of the Town of Sardinia hereby authorizes Attorney David M. DiMatteo to issue RFP's to local engineers to provide their services to assist with the Article 10 application and public scoping sessions in connection with the Project known as the Genesee Road Solar Energy Center.

DULY ADOPTED, this 9th day of January, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Attorney DiMatteo stated that during his time as Town Attorney for the Town of Sardinia he had worked with the Town Planning Board to create a Solar Energy Law. He noted that it was very early on when solar energy projects were just beginning so there wasn't much information available. He noted as time has passed and this is being looked at again there are two concerns that have come up. The first is that there needs to be a requirement that they enter into a host municipal agreement with the Town. Mr. DiMatteo noted that these solar projects typically use PILOT programs (payment in lieu of taxes) however the Town of Sardinia currently doesn't have Town taxes therefore there would be no benefit to the Town. The other concern is regarding the amount of land that can have solar systems on. Currently the law allows not more than 50% of a lot be occupied. Mr. DiMatteo suggested that this be revised based on soil classification. Class A Ground would allow 50% lot coverage, Class B Ground would allow 60% lot coverage and Class C Ground would allow 80% lot coverage. Attorney DiMatteo stated that he has drafted two versions of a local law to amend the current zoning regarding solar energy systems for the Town Board to consider and take comment on. The first, Draft A, includes provisions for a host municipality agreement and soil classifications. The second, Draft B only covers adding provisions for a

host municipality agreement. After a brief discussion Attorney DiMatteo stated that if the Board wants to consider amending this law that the next step is to pass a resolution for SEQRA. Attorney DiMatteo then reviewed the Environmental Assessment Form with the Board. After review Supervisor Gambino asked for a motion for a resolution to approve the Environmental Assessment form regarding solar regulation in the Town of Sardinia. **Therefore the following resolution, to be known as Resolution #4 of 2020, was moved for adoption on a motion by Domster, seconded by Marsh:**

RESOLUTION #4 - 2020

RELATING TO THE PROPOSED LOCAL LAW ENTITLED "AMENDING THE ZONING ORDINANCE OF THE TOWN OF SARDINIA, CHAPTER 115, ARTICLE 6 REGARDING SOLAR ENERGY SYSTEMS" IN THE TOWN OF SARDINIA

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board of the Town of Sardinia is considering a proposed local law, entitled "Amending the Zoning Ordinance of the Town of Sardinia, Chapter 115, Article 6 Regarding Solar Energy Systems", to regulate large and small scale solar projects within the Town of Sardinia; and

WHEREAS, the Town of Sardinia recognizes that solar energy is a clean, readily available, and renewable energy source and that development of solar energy systems offers an energy resource that can act to attract and promote green business development, with the proper permitting; and

WHEREAS, the Town Board of the Town of Sardinia believes it is in the best interest of said Law and Town to seek lead agency under State Environment Quality Review Law; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sardinia declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a "hard look" at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Town Planning Board
 2. Erie County Planner
 3. Erie County Agricultural and Farmland Protection Board
 4. Erie County Department of Environment and Planning
 5. Town Zoning Board of Appeals
 6. Town of Arcade Town Board
 7. Town of Ashford Town Board
 8. Town of Colden Town Board
 9. Town of Concord Town Board
 10. Town of Holland Town Board
 11. Town of Java Town Board
 12. Town of Yorkshire Town Board
 13. Wyoming County Board of Supervisors
 14. Cattaraugus County Board of Supervisors
- ; and

WHEREAS, pursuant to sections 239-l and 239-m of the General Municipal Law, said law and all supporting documents are required to be submitted to the County Planning Department for their review and recommendations; and

WHEREAS, the Town Board of the Town of Sardinia, feels it is in the best interest of the Town of Sardinia to hold a public hearing to consider the adoption of said local law.

RESOLVED, the Town Board of the Town of Sardinia will seek lead agency; and be it further

RESOLVED, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sardinia declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a "hard look" at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Town Planning Board
2. Erie County Planner
3. Erie County Agricultural and Farmland Protection Board
4. Erie County Department of Environment and Planning
5. Town Zoning Board of Appeals
6. Town of Arcade Town Board

7. Town of Ashford Town Board
 8. Town of Colden Town Board
 9. Town of Concord Town Board
 10. Town of Holland Town Board
 11. Town of Java Town Board
 12. Town of Yorkshire Town Board
 13. Wyoming County Board of Supervisors
 14. Cattaraugus County Board of Supervisors
- ; and

RESOLVED, that the Town Board of the Town of Sardinia will refer said matter, in accordance with 239(l) of the General Municipal Law, to the Erie County Planner; and

RESOLVED, that Town Board of the Town of Sardinia will hold a public hearing on the proposed adoption of a local law entitled "Amending the Zoning Ordinance of the Town of Sardinia, Chapter 115, Article 6 Regarding Solar Energy Systems" on the 10th day of February 2020 at 6:30 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard.

DULY ADOPTED, this 9th day of January, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that February 10th would be the next meeting and that a public hearing could be added at 6:30 or immediately following the public hearing regarding tree removal. **On a motion by Marsh, seconded by Emmick, a public hearing for the two drafts local laws to amend the Town of Sardinia solar law was set. Carried, 5 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda was a resolution for the approval of the auditor and accountant consultant services from Drescher and Malecki. **Therefore the following resolution, to be known as Resolution #5 of 2020, was moved for adoption on a motion by Hochadel, seconded by Emmick:**

RESOLUTION #5 - 2020

APPROVAL OF AUDITOR AND ACCOUNTANT CONSULTANT

WHEREAS, The Sardinia Town budget includes funds for the Town to retain Drescher & Malecki LLP as our auditor to prepare a review of 2019 expenditures and finances of the Town at a cost not to exceed \$12,360.00 plus \$1,140.00 for the Annual Update Document that is filed with the NY State Comptroller and assist in consultation for the year 2020 and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the firm of Drescher & Malecki LLP to perform the 2019 audit and reports, to the Town Board at a cost not to exceed \$13,500.00 and perform 2020 accounting assistance.

DULY ADOPTED, this 9th day of January, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that the next resolution was to approve the annual audit of the Town Court and the Town Clerk's office. **Therefore the following resolution, to be known as Resolution #6 of 2020, was moved for adoption on a motion by Emmick, seconded by Domster:**

RESOLUTION #6 – 2020

AUDIT ON COURT AND TOWN CLERK DEPARTMENTS FOR 2019

WHEREAS, the Sardinia Town Board recognizes the need for periodic review and audit of departments with the Town, and

WHEREAS, it is necessary to complete these audit in order to be compliant with the State of New York Comptroller, and

WHEREAS, our auditor Drescher & Malecki can review the 2019 expenditures and finances of the Town of Sardinia Court and also the Town of Sardinia's clerk's office, and

WHEREAS, the cost to the Town of Sardinia for audit services for the Court is \$1520.00.00 and the cost for the Clerk's office is \$1520.00 for a total cost of \$3,040.00 and,

NOW, THEREFORE, BE IT RESOLVED, The Sardinia Town board approves the firm of Drescher & Malecki to perform audits on both the Sardinia Town Court and the Sardinia Town Clerk's office.

DULY ADOPTED, this 9th day of January, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that the last resolution on the agenda was for approval of the appointment of a new Chaffee Sardinia volunteer fireman, Madison Phelps. **Therefore the following resolution, to be**

known as Resolution #7 of 2020, was moved for adoption on a motion by Marsh, seconded by Hochadel:

RESOLUTION #7 – 2020

APPOINTMENT OF CHAFFEE-SARDINIA VOLUNTEER FIREMAN

WHEREAS, the Sardinia Town Board is in receipt of the application of Madison L. Phelps, of 11149 Chaffee Curriers Road, Chaffee, NY and,

WHEREAS, Madison L. Phelps has applied for a volunteer position as a Volunteer Firefighter to the Chaffee-Sardinia Memorial Fire Company and,

WHEREAS, the Sardinia Town Board supports and approves this appointment of Madison L. Phelps and,

NOW THEREFORE, BE IT RESOLVED, that the Town Board approves the appointment of Ms. Phelps as Volunteer Fireman to the Chaffee-Sardinia Memorial Fire Department.

DULY ADOPTED, this 9th day of January, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that the next item on the agenda under new business. Supervisor Gambino stated that Roswell Park is running a program called Herd of Hope and that they have challenged towns in Erie County to help them raise funds. So far the only town to do so is the Town of North Collins and they too have challenged Sardinia to join this fund raising program. If the Town raises \$5000.00 dollars they would be given a blue buffalo statue to put on display at the Town Hall. Supervisor Gambino shared that about two years ago she was diagnosed with breast cancer. She underwent treatment and radiation for it while serving as supervisor. Therefor this program was very important to her. Supervisor Gambino stated that she would like send out letters to ask for donations. Supervisor Gambino noted that checks for the donation should be made out to Roswell Park Alliance Foundation and mailed to the following address and asked that people include their contact information:

Herd of Hope – Town of Sardinia
C/o Supervisor's Office
P.O. Box 219
Sardinia, New York 14134

Supervisor Gambino then asked the Board for their thoughts. The Board was in agreement. **Therefor on a motion by Emmick, seconded by Hochadel, the board agreed to participate in the Herd of Hope program. Carried, 5 ayes, 0 noes.**

Supervisor Gambino asked if the Board had any other business. Gerry Whittington asked if there was any updates on the status of the solar project. Supervisor Gambino stated that there was a public informational meeting scheduled for February in the Town of Concord and that updates can be found online under Genesee Rd. Solar projects. There were no other comments or questions. **There being no further business to come before the Board, on a motion by Marsh, seconded by Emmick, the meeting was adjourned at 7:20 p.m. Carried 5 ayes, 0 noes.**

Respectfully Submitted,

Town Clerk