

10-22-2014 – SPECIAL MEETING

Present:

Councilman Cheryl L. Earl
Councilman Lenard R. Hochadel
Councilman David L. Montgomery
Councilman Douglas J. Morrell
Supervisor Beverly A. Gambino

Also Present:

Clerk Betsy Marsh
5 guests.

The Sardinia Town Board held a Special Town Board Meeting on October 22, 2014 at the Sardinia Town Hall. Supervisor Gambino called the meeting to order at 10:15 AM.

The Supervisor stated that the first item on the agenda is to pass a resolution to apply for projects through the Community Development Block Grant Program. The following resolution, to be known as Resolution #49 of 2014, was then moved for adoption by Hochadel, seconded by Morrell:

**RESOLUTION #49 - 2014
COMMUNITY BLOCK GRANT APPROVAL**

WHEREAS, at a meeting of the Sardinia Town Board held on October 22, 2014, the Board authorized the Town Supervisor to sign, submit, and execute a contract with Erie County Community Development Block Grant Program (ECCDBG) for the following project(s) upon approval of ECCDBG.

1. Upgrades for handicapped accessibility at Veteran's Park, which consists of Pool house renovations for handicapped accessibility.
2. Rural Transit Van Program Consortium.

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board authorizes the Town Supervisor to sign, submit, and execute a contract with the ECCDBG.

Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, Morrell, aye, Gambino, aye. So Resolved, 5 ayes, 0 noes.

The Supervisor stated that the next item concerns Gernatt Asphalt Products, and she would be recusing herself and leaving the room. Councilman Earl stated that the issue the Board must decide on is Lead Agency status for Gernatt's application for permit modifications. She stated that the Board had referred the Lead Agency matter to the Planning Board, and then read the Planning Board's recommendation to allow the NYSDEC to act as Lead Agency on the issue of Gernatt's application for the modifications to its permit for its Gabel Thomas mine. She noted that Town Attorney DiMatteo has Prepared a resolution to grant the Lead Agency status to the DEC. The following resolution, to be known as Resolution #50 of 2014, was then moved for adoption on a motion by Councilman Hochadel, seconded by Councilman Morrell:

**RESOLUTION #50 - 2014
RESOLUTION RELATING TO STATUS OF LEAD AGENCY, UNDER THE STATE ENVIRONMENTAL
QUALITY REVIEW ACT, OF A PROPOSED REQUEST BY GERNATT ASPHALT PRODUCTS INC.**

The Town Board of the Town of Sardinia met at a special board meeting at the Town Offices located at 12320 Savage Road, Sardinia, New York on October 22, 2014, commencing at 10:15 AM.

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 of Sardinia has previously adopted Local Law No. 3 of 2012 which authorized the addition of a mining overlay district for sand and gravel within the AR- (Agricultural Residential District); and

WHEREAS, in March, 2014, Gernatt Asphalt Products Inc. requested to extend their hours of operation within the Town of Sardinia, remove sand and gravel from under the sites berm prior to construction, and request to screen excavated materials (soil, sand and gravel); and

WHEREAS, on September 25, 2014, the New York State Department of Environmental Conservation (NYSDEC) forwarded correspondence to the Town of Sardinia regarding its intention to seek Lead Agency and listing three additional requests from Gernatt Asphalt Products Inc., as noted above; and

WHEREAS, on October 15, 2014, the Town Planning Board for the Town of Sardinia agreed with the request for Lead Agency and saw no further issues with the three requests from Gernatt Asphalt Products Inc., and forwarded the same to the Town Board for its review; and

WHEREAS, that the Town Board has had an opportunity to discuss this request and agrees with the Planning Board, that they see no issue with the requests from Gernatt Asphalt Products Inc., or the New York State DEC's request for Lead Agency; and

NOW ON MOTION OF Councilman Hochadel which has been duly seconded by Councilman Morrell now therefore, be it

RESOLVED, that the Town Board has had an opportunity to discuss this request and agrees with the Planning Board, that they see no issue with the requests from Gernatt Asphalt Products Inc., or the New York State DEC's request for Lead Agency; and; and be it further

RESOLVED, that the Town Board of the Town of Sardinia directs the Town Clerk to refer this resolution and Local Law No. 3 of 2012 to the New York State DEC, as approval of New York State DEC Lead Agency status before October 27, 2014.

Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, Morrell, aye, Gambino, recused. So Resolved, 4 ayes, 0 noes, 1 recused.

Supervisor Gambino returned to the room, and there being no further business to come before the Board, the meeting was adjourned at 10:20 AM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk