

10-9-2014 – REGULAR BOARD MEETING

Present:

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

Also Present:

Attorney for the Town David DiMatteo
Highway Superintendent Donald Hopkins
Town Clerk Betsy A. Marsh
Approx. 20 guests

The Sardinia Town Board held its Regular Town Board meeting for October on October 9, 2014 at the Sardinia Town Hall/Community Center. Supervisor Gambino called the meeting to order at 6:30 PM. She asked if there was a Veteran present who would like lead the Pledge to the Flag, and audience member James Wiedemann then led the Pledge of Allegiance, which was then followed by a Moment of Silence.

The minutes of the September 11, 2014 Regular Town Board meeting were submitted by the Town Clerk. On a motion by Councilman Hochadel, seconded by Councilman Morrell, those minutes were approved, carried, 5 ayes, 0 noes.

Warrant #10 of 2014, including vouchers #569 through #612, totaling \$25,537.27, of which the General Fund was \$19,643.51, the Highway Fund was \$4,773.75, the Fire District Fund was \$260.54, and the Lighting District Fund was \$859.47, was approved for payment on a motion by Morrell, seconded by Hochadel, and carried, 5 ayes, 0 noes.

Departmental Reports:

Councilman Montgomery reported that the Free Rabies Clinic will be held October 18th from 9 AM until noon at the Highway Barn. He stated that the Senior Flu Clinic will be held on October 31st from 9 AM until 1 PM and Waste Management will once again be providing a breakfast. Mr. Montgomery stated he has met with NYSEG concerning the streetlights on the intersections of Davis Hill and Pratham Rd., and Foot Rd. and Pratham Rd. He stated that the problem was that the check had been sent to NYSEG's New Jersey address instead of the Lancaster address, the check was cashed and then applied to future electric bills, rather than the street lighting. He stated they will be correcting that and will then proceed with the installation of the lights, which may have to include a transformer at the Davis Hill Rd. intersection because of the long span between lights. Mr. Montgomery also informed that the Senior Citizens will be having their Thanksgiving Dinner at the Holland Willows on November 20th at noon, and would like approval from the Board for payment of the meals. He stated that Waste Management will be paying \$5.00 toward each dinner, and the Supervisor stated that last year, the Town's share was approximately \$900.00. **On a motion by Earl, seconded by Hochadel, the Board approved paying the balance of the dinner cost, after the \$5.00 each dinner payment is paid by Waste Management. Carried, 5 ayes, 0 noes.** Councilman Montgomery stated he had attended the Erie County Water Quality Committee meeting, and they applied for grant funding, but haven't heard anything yet. He stated that if anyone has a project they would like to ask for funding for, such as creek bed erosion, contact him.

Councilman Morrell reported that he and Councilman Earl had met with the Highway Employees Association, and that is to be settled by negotiations.

Councilman Earl reported that she and Councilman Morrell had met with the Highway Employees Association and the Board will be going into Executive Session to discuss the negotiations. She stated that the Youth Board is looking into prices for Zumbatonics, and would like to hold a course during Winter Rec. Ms. Earl stated she has gone to the Parks and looked at the shelters which were re-shingled and stated they look good, and thanked the Highway Superintendent and the Parks Caretaker for doing the job.

Councilman Hochadel reported that he had attended the Springville Control Center Board meeting, and they are having a hard time keeping dispatchers because they don't pay them enough, and they have no benefits. He stated that they are trying to get more money in next year's budget so they can pay the dispatchers a little more and hopefully keep them. Councilman Hochadel stated he has also looked at the Park shelter roofs and at the Highway garage fuel containment building, and they all look very good.

Supervisor Gambino reported that she has received the Fire Company's Treasurer's report for the month. She also stated that there will be a Public Hearing on CDBG funding at 10 AM on October 22nd, followed by a Special Meeting to vote for projects at 10:15 AM. Supervisor Gambino stated she would like to apply for funding to upgrade the Poolhouse, as well as for the Rural Transit Van, and she stated that there is also a Budget Work Session at 10:30 AM, following the CDGB meetings. The Supervisor stated she had gone to Cheektowaga on Tuesday and met with Joselyn Gordon from the Erie County Land Bank, and they should know tomorrow if there is money for the demolition of the Rupert property on Schutt Rd. She stated it is a grant and we would need to apply for it. She also learned that the Land bank wants 50% of the Town taxes owed for a "pay forward", but because we have no taxes, she stated she is unsure of how that would work. Councilman Earl asked if the demolition cost could be added to the tax bill, and it was pointed out that there is no owner, the taxes haven't been paid in approximately 10 years, and the owner is deceased. Attorney DiMatteo stated that if the property is redeemed, it would probably be redeemed for less than the taxes owed. He stated he was hoping the County would forgive the back taxes and the Town could do the demolition, but that didn't happen and we went to the Land bank. Supervisor Gambino stated that there is a resolution they would like the Board to pass, which could be done at the November meeting, but first, Ms. Gordon is trying to figure out how to handle the Town because there are no taxes. She stated that CEO Gene Degman went to another Land bank meeting tonight, and will hopefully be able to help, also. She stated that we are trying to get something done.

Highway Superintendent Don Hopkins reported that everything is going smoothly at the Highway Dept. He stated that they have completed the fuel storage/containment facility and it is a vast improvement over past years. He stated that they also

stripped and re-shingled two Park Shelters, and thanked Tom Lewis of Waste Management for the dumpster for the 2 ½ tons of old shingles. Mr. Hopkins stated that the Highway Employees went to a NYMIR training session in Belmont and there is another one on snow & ice removal on October 7th in Belfast, and they will be attending that one, also. Mr. Hopkins stated he contacted Kevin George at Emerling about the pickup truck, there is no work order on it yet, so we will probably be hearing from him this month. He stated that the Highway Dept. will be making the parking lot at Manion Park in the next few weeks, right now they are getting in sand and salt for the winter. The Highway Superintendent stated that the scrap from the Highway Barn, including old plows and other scrap, brought in \$142.00. Mr. Hopkins asked what the Board wanted him to do with the old roller; scrap it or try to sell it. He stated it has been sold once, paid for, but the purchaser never came and got it, and that was several years ago. He stated he had spoken several times to the new owner, but hasn't been able to contact him recently, and was advised by the Attorney for the Town that he would contact by Certified Mail, which was done, and still nothing from the owner. Mr. Hopkins stated that the motor still runs, but the drive for the roller does not. **Attorney DiMatteo recommended nit be scrapped, and on a motion by Gambino, seconded by Hochadel, the Board directed the Highway Superintendent to send the old roller for scrap. Carried, 5 ayes, 0 noes.** Mr. Hopkins stated that National Fuel has sent a packet and is requesting permission to survey for a proposed natural gas pipeline. A representative of National Fuel was on hand and stated that the Highway Garage property will not be part of the project, which will be to the west of the property, but the conducting of the survey will bring the surveyors onto the property. The Representative stated that this year, the Environmental studies and the Archeological study will be conducted, and the pipeline will actually be going on the west side of the power line, and stated that the easement will not be on Town property. **Neither the Highway Superintendent nor the Supervisor had a problem with the surveyors coming onto the Highway Dept. property, and on a motion by Morrell, seconded by Earl, the following resolution, to be known as Resolution #44 of 2014, was moved for adoption:**

**RESOLUTION #44 – 2014
PERMISSION FOR NATIONAL FUEL GAS COMPANY TO PERFORM SURVEY ACTIVITIES**

WHEREAS, National Fuel Gas Company has sent an official request to The Town of Sardinia for permission to perform survey activities across its property located at 12390 Creek Road, Sardinia, NY and,

WHEREAS, a proposed pipeline reroute has necessitated this request for survey permission, known as "National Fuel Gas Supply Corporation's Northern Access 2016 Project and,

WHEREAS, The Town of Sardinia is aware, National Fuel has hosted two public meetings at the Sardinia Town Hall related to the Project, and has explained in those meetings, National Fuel is in the preliminary stages of the Project and performing survey activities in order to determine a primary pipeline route.

NOW, THEREFORE, BE IT RESOLVED, that the Sardinia Town Board gives permission to National Fuel Gas Company permission to perform survey activities at its property located at 12390 Creek Road, Sardinia, NY, and authorizes Beverly Gambino, Supervisor, to execute the agreement giving the permission.

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

Supervisor Gambino stated that, concerning the hiring of a Town Engineer to oversee the Hutchinson Rd. Townhouses project, she and Councilman Earl had met with Paul Chatfield of Chatfield Engineers, PC, and recommended that the Town contract with the firm to represent the Town. **On a motion by Earl, seconded by Montgomery, the following resolution, to be known as Resolution #45 of 2014, was moved for adoption:**

**Resolution #45 – 2014
APPROVAL OF TOWN ENGINEER REPRESENTATIVE**

WHEREAS, the Town of Sardinia is in need of an Engineer to represent its interest in activities in regards to its relationship with Mark 1 LLC/Tri County Business Park and,

WHEREAS, an Engineer is required for Mark 1 LLC/Tri County Business Park to move forward on its water and sewer projects at their location on Route 16, Chaffee, NY and,

WHEREAS, the Town of Sardinia would also have the ability to utilize an Engineer for future professional advice and projects that maybe in the future for the Town's own endeavors, and

WHEREAS, Paul Chatfield has presented his Company, Chatfield Engineers, P.C. to several board members and,

WHEREAS, Chatfield Engineers works exclusively for municipalities, and has comparable rates,

NOW, THEREFORE, BE IT RESOLVED, that the Sardinia Town Board approves Chatfield Engineers P.C. of Rochester, New York to be their Town Engineer Representative for Mark 1 LLC/Tri County Business Park project, and to also assist the Town in other matters on an "as needed basis" as the need arises.

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

Supervisor Gambino stated that the next item is to approve two appointments, the first to hire a cleaning person. She stated she would like to have approval for the appointment of Garrett Girst as building cleaner. Councilman Montgomery asked if he is a Town resident, and was informed he is not. Mr. Montgomery stated he feels jobs should go to Town residents. The Supervisor stated that Mr. Girst has experience as a cleaner and she is familiar with him and he is of good character, and pointed out that there are several positions in the Town that are not filled by Town residents. Councilman Earl stated she thinks the Board should see all job applications, and asked how many there were for this position. She was informed there were about 10, and she and Councilman Hochadel had interviewed 2 of the applicants. Councilman Earl stated she had no problem with Mr. Girst, but wanted to see the applications in the future. **On a motion by Hochadel, seconded by Morrell,**

Garret Girst was appointed Cleaner-part time, effective October 10, 2014 at the hourly rate of \$14.50. Carried, with Hochadel, Morrell, and Gambino voting aye, Earl and Montgomery voting no.

The Supervisor stated that the second appointment was for a third Constable. She stated that the Town currently has two Constables, but one has only worked 13 hours this year, and has not worked in the last 6 months. She stated she would like to have a third Constable appointed as a back-up. Constable Donna Maier was on hand at the meeting, and stated that Constable Becker works long hours during the construction season, and she doesn't work as much because she drives school bus. She stated she schedules the Constables, and doesn't call him during construction time. The Supervisor stated that's why she would like a third Constable, as a back-up. She stated that Jeffrey Koch is a resident of the Town of Sardinia and works as a Town of Holland Constable, and was recommended by Holland Supervisor Mike Kaszpersak. **On a motion by Hochadel, seconded by Morrell, Jeffrey P. Koch was appointed as Constable effective October 10, 2014 at the hourly rate of \$14.50 hour. Carried, 3 ayes, 2 noes, with Hochadel, Morrell and Gambino voting aye, and Earl and Montgomery voting no.**

Supervisor Gambino stated that the Town has received a request for the use of the Town Hall gym on Monday, October 13th to practice for a competition. **The following resolution, to be known as Resolution #46 of 2014, was moved for adoption by Earl, seconded by Montgomery:**

**RESOLUTION #46 - 2014
PERMISSION FOR PIONEER WILDCATS CHEER TO USE GYM**

WHEREAS, the Pioneer Wildcats Cheer have sent the Sardinia Town Board a formal request to use the gym on Monday October 13th to practice for competition, the time being 6:15pm to 8:15pm, and

WHEREAS, the Pioneer Wildcats Cheer have provided the Town's Clerk office with a Certificate of Liability Insurance.

NOW, THEREFORE, BE IT RESOLVED, that the Sardinia Town Board gives permission to the Pioneer Wildcats Cheer to use the gym on October 13th, 2014.

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

Supervisor Gambino stated that the next resolution is to give permission to the C-S Kiwanis to hold their annual Halloween Party in the Town Hall gym. The following resolution, to be known as Resolution #47 of 2014 was moved for adoption on a motion by Hochadel, seconded by Earl:

**RESOLUTION #47 - 2014
REQUEST FOR USE OF TOWN HALL FOR KIWANIS HALLOWEEN PARTY**

WHEREAS, the Sardinia Town Board has received a request for use of the Sardinia Town Hall For the Chaffee- Sardinia Kiwanis Halloween Party on Friday, October 31, 2014, and

WHEREAS, this event has annually occurred at the Sardinia Town Hall and has hosted our Sardinia youth for a fun-filled activity, limited the vandalism that has occasionally occurred in the past, and,

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the request of the Chaffee-Sardinia Kiwanis to host their annual Halloween party on October 31, 2014 at the Sardinia Town Hall, pending their Certificate of Insurance form, and waiving the rental fee as they are a non-for-profit organization.

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

Supervisor Gambino stated that there are fund transfers necessary in the 2014 Budget, and on a motion by Gambino, seconded by Morrell, Resolution #48 of 2014 was moved for adoption, as follows:

**RESOLUTION #48 - 2014
APPROVAL OF FUND TRANSFER**

RESOLVED, the Town of Sardinia Board approves the following transfer of funds:

<u>TRANSFER FROM</u>	<u>AMOUNT</u>	<u>TRANSFER TO</u>
A1440.400 Engineering	\$1800.00	A1410.400 Town Clerk Contract.
A1620.470 Op. Build Computers	\$773.30	A1620.471 Op. Build Comp upgrades
A1440.400 Engineering	\$1109.00	A1620.400 OP. Build Repairs
A7110.200 Parks Equ.	\$177.44	A7020.400 Rec. Admin Contract.
A7140.400 Playground Contract.	\$270.34	A7110.400 Parks Contract.
A7140.440 Playground Expense	\$800.00	A7110.401 Parks Utility
A7180.200 Special Rec Equip	\$36.74	A7180.400 Special Rec Facilities contra
DA5142.140 Snow Removal Part Time	\$470.00	DA5110.140 General Repair Part time
DA5510.430	\$8,218.05	DA5110.440

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

Under New Business:

The Supervisor excused herself at this time, because the next issue to come before the Board was concerning Gernatt Asphalt Products'. The Town Clerk read aloud a letter from the Town Supervisor recusing herself from any discussion, negotiation or decision in connection with the Company's application. [See Letter attached to these minutes] Deputy Supervisor Cheryl Earl

then conducted this portion of the meeting in the Supervisor's absence. Attorney DiMatteo stated that the Town has received a letter from DEC Regional Permit Administrator asking the Town to designate the DEC as Lead Agency to coordinate the review in the matter of an application by Gernatt Asphalt Products for a permit modification for its Gabel Thomas mine, and included the application with the letter. He stated that they also are asking for Town comment on the application. Mr. DiMatteo stated that there are three modifications requested. Ms. Earl asked if the Lead Agency status would cover all three modifications requested, and Attorney DiMatteo stated it would, which is why the Town may want to take on Lead Agency status. He stated that the modifications requested include (1) A request to screen and excavate outside the currently permitted processing area. Attorney DiMatteo stated that this screening would take place outside the currently permitted area for screening, and the Town would have some authority in this, considering the noise and setback issues. He stated that the second request is (2) A request to change their hours of operation from the currently permitted 7 AM until 5 PM, to 6 AM until 7 PM, again an issue that the Town could have a say in; and (3) A request to be permitted to remove sand and gravel under the current berm. He stated that the Town has no authority over this issue. Ken Zicarelli asked to speak on all three issues, and stated that the berm is for a visual deterrent, the site reclamation plan is for it to be a lake, and instead of burying all the sand and gravel, they want to remove it and replace the overburden and build the berms with the overburden, and top with topsoil, otherwise the sand and gravel is lost. He stated that as far as screening topsoil, they are still within the life of the mine, they still are behind the berms, and within the pit itself. He stated that the noise studies have already been done and submitted to the DEC, and there will be no impact. Mr. Zicarelli stated that the noise studies went to the nearest receptors and were well below the decibel levels required by the DEC. He stated that, concerning the hours of operation, when the permit was issued in 1990, they were very limited, they were allowed to mine and do plant repairs until 5 PM, but were allowed to conduct sales until 5:30 PM. He stated they have asked for expanded hours, since this site will be getting a brand new plant and will be one of Gernatt's major sites, to be more conducive to the construction industry and fit the rest of their sites. Mr. Zicarelli was asked if these hours would be permanent, and he stated they would be. He was also asked about the berms, and he stated they will be moved back as the project progresses. Attorney DiMatteo stated his problem is not with Gernatt, but with the DEC stating that the DEC collects all of the data and information, but does not share it with the community. He suggested that the Planning Board or the Town Board might want to ask to be Lead Agency so that the Town is not ignored. He stated that the DEC does not deal in good faith with the local communities. Attorney DiMatteo suggested that the Town Board refer the matter to the Planning Board to have them take a look at it. Planning Board Chairman Bob Hill informed that their next meeting is next Wednesday, October 15th at 7:30 PM. Councilman Earl asked if any of the Board members had any comments, and it was felt that it should be referred to the Planning Board. **On a motion by Montgomery, seconded by Morrell, the Lead Agency matter was referred to the Planning Board for their review. Carried, Earl, Hochadel, Montgomery, and Morrell voting aye, Supervisor Gambino recused.**

Supervisor Gambino returned to the meeting and introduced Erie County Comptroller Stephan Mychajliw, who was on hand. Mr. Mychajliw updated those in attendance on some of the reforms that have been made in the Comptroller's office, including putting a condensed version of the County Budget on the Erie.gov website; cutting costs by privatizing some of the auditing; bidding for banking services to get the best cost and went from 6 separate banks to 1 for bank for cost cutting purposes. Mr. Mychajliw told of other streamlining measures taken to more efficiently run the Comptroller's office, and stated that, concerning the proposed raises for elected County Officials, he will not accept a raise if one is given, stating that he knew what the job paid when he ran for it. The Board thanked Mr. Mychajliw for attending.

On a motion by Earl, seconded by Morrell, the Board then moved into Executive Session at 7:27 PM to discuss contract negotiations. Carried, 5 ayes, 0 noes.

The Town Board resumed the Regular meeting at 7:57 PM, on a motion by Morrell, seconded by Earl, and carried, 5 ayes, 0 noes.

There being no further business to come before the Board, on a motion by Earl, seconded by Montgomery, the meeting was adjourned at 7:58 PM. Carried, 5 ayes, 0 noes

Respectfully Submitted,

Betsy Marsh, Town Clerk

