

## 11-12-2015 – REGULAR BOARD MEETING

Present:

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

Also Present:

Attorney for the Town David DiMatteo  
Highway Superintendent Donald Hopkins  
Town Clerk Betsy A. Marsh  
Approx. 15 guests

The Sardinia Town Board held its Regular Monthly Meeting for the month of November on November 12, 2015 at the Sardinia Town Hall/Community Center. Supervisor Gambino called the meeting to order at 6:30 PM, with the Pledge to the Flag, led by Veteran William Connors.

Supervisor Gambino stated that the first order of business was the approval of the October Board meeting minutes, of which here were 4 sets, covering 6 meetings. Councilman Earl stated that the information concerning the Town's finances that was reported in the minutes was correct as stated at the meeting, however she stated that the amount in the check book should have been noted as including the \$40,000 Fire Company water reserve account, and the landfill payment information given out did not include the September check, and the amount for 2015 will be on track with anticipated revenues. She stated she wanted to note that in the record. **On a motion by Hochadel, seconded by Morrell, the minutes of the October 8, 2015 Public Hearing on Local Law #2 of 2015, the Tax Cap Override Law; the October 8, 2015 Regular Board meeting; the October 22, 2015 Public Hearing CDBG funding; the October 22, 2015 Special Meeting; the October 22, 2015 Budget Work Session; and the October 29, 2015 Public Hearing on the 2016 Budget, were approved as submitted. Carried, 5 ayes, 0 noes.**

**Warrant #11 of 2015, including vouchers #1391 through #1454, totaling \$71,426.86, of which the General Fund was \$24,718.29; the Highway Fund was \$44,690.12, and the Lighting Fund was \$2,018.45, was approved for payment on a motion by Hochadel, seconded by Morrell, and carried, 5 ayes, 0 noes.** Councilman Earl noted that in the bills, there is a voucher for payment to Drescher & Malecki in the amount of \$2,142.50, and she questioned whether that comes out of the Budget Officer line, or if the Supervisor gets the \$2,907.00 in the Budget Officer line. The Supervisor noted that it may be coded wrong by the Bookkeeper, and that should come from the Accountant line. She stated she will have the Bookkeeper correct it.

Departmental Reports:

Supervisor Gambino stated she has received the Treasurer's report from the Fire Company, and also received a letter of request from Rec Administrator Chris Warner, requesting use of the gym by his grandmother, Leah Wiedemann, on January 2<sup>nd</sup>, 2016 at noon for a birthday party. **On a motion by Earl, seconded by Morrell, Leah Wiedemann was approved to use the gym on January 2, 2016. Carried, 5 ayes, 0 noes.** The Supervisor also reported that she has been contacted by Patricia Covell of the Erie County Library, who informed that the Bookmobile will be coming to Sardinia, starting in the spring.

Councilman Morrell reported that the roof project is pretty much complete. Councilman Earl asked how the \$10,000 mason work could have been done without approval of the Board. The Supervisor explained that the project was coming in under budget because some of the anticipated decking work did not need to be done, and the masonry work was needed to be able to finish the roof, with no extra cost. Ms. Earl asked how a government contract could come in under budget, and was told by Attorney DiMatteo that it is not unusual for that to be the case. Councilman Morrell was then allowed to continue, and stated that the Elevator Company contacted the Building Caretaker, and was supposed to have called today with a schedule of when the elevator can be repaired.

Councilman Montgomery reported that 78 flu vaccinations were given at the Flu Clinic, and 53 rabies vaccinations were given at the rabies clinic. He thanked Waste Management for the breakfast at the Flu Clinic.

Councilman Hochadel reported that he had attended the Springville Control Center meeting on October 15<sup>th</sup> and they are looking for a per diem dispatcher. He stated that everyone is very happy with the Mercy Ambulance Service, and noted that he saw 3 Mercy Ambulances at Springville Hospital the other day when he went by, stating he was happy with the extra coverage.

Councilman Earl stated that she worked at the rabies clinic, and noted that her other concerns were coming up later in the agenda.

Highway Superintendent Donald Hopkins reported that his department has been working on the equipment to get it all ready for the winter and the sand and salt is ready to go, also. He also stated that the new Dodge chassis is in, and they have mounted the plow, then he and his crew will switch the box over. Mr. Hopkins stated that the County has contacted him and asked him to take over the plowing of more County roads, including Savage from Allen to Matteson Corners, Dutchtown, and South Protection. He stated it is snow removal only, and would add 25 miles, and \$13,100.00 to the amount the County would pay the Town. He stated he feels that from a public safety stand point, it would be a good move. He stated he has contacted them and agreed. The Highway Superintendent then brought up a proposed Shared Services Agreement between the State DOT and the Town, explaining that, for example, when State Rt. 16, or State Rt. 39 are closed due to conditions, they detour traffic over our roads, but cannot plow or salt them without the Agreement. Mr. Hopkins asked the Board to give him approval to sign the Agreement and sent it back to the DOT in Hamburg. **On a motion by Gambino, seconded by Hochadel, the Highway Superintendent was given approval to execute the Shared Services Agreement between the NYS DOT and the Town of Sardinia, carried, 5 ayes, and 0**

**noes.** Attorney DiMatteo suggested that the Town contact its insurance carrier and make sure it has coverage for any borrowed equipment.

Supervisor Gambino stated that the flashing is all that is left to finish the roof project, and they are doing that this week; The Town received, on October 30<sup>th</sup>, a check for total reimbursement for the Schutt Rd. demolition project from BENLIC. She stated that the House numbering project is kind of at a standstill due to the County sign shop. Disaster Coordinator Gerry Whittington stated that Allen Rd. has been done, but a few of the numbers were not received from the sign shop. He also stated that when the project was started, the sign shop was doing two signs for each post, so that the numbers would be on both sides. He stated that he has asked if they could just print the numbers on both sides of the one plate, and they have agreed, so the cost will be less. He stated he will be proceeding with Rt. 39 now, and that will probably be the last road done this year. Mr. Whittington then informed that copper wire has been stolen from several tower sites and electric substations, including the Springville Electric substation and the NYSEG substation in Holland. He asked everyone to be aware of their surroundings, and if anyone sees anything unusual that does not look right, please call the police.

Supervisor Gambino stated that the first resolution is for the adoption of the 2016 Budget. She asked Board members if there was any discussion. Councilman Montgomery stated that she is totally against the 3.5% increase in salary for elected officials. The Supervisor stated that the elected officials did not receive increases last year, and the 3.5% amounts to 1.75% for each year, and totals \$5,221.00 for 9 people. Discussion was held, with Earl and Montgomery against adopting the budget, as presented. **On a motion by Hochadel, seconded by Morrell, the following resolution, to be known as Resolution #41 of 2015, was moved for adoption:**

**RESOLUTION #41 – 2015  
APPROVAL OF 2016 BUDGET**

**WHEREAS**, the Sardinia Town Board has reviewed the 2016 Preliminary Budget, and

**WHEREAS**, the Sardinia Town Board approves the 2016 Budget as presented; and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board hereby approves the 2016 Budget for the Town of Sardinia as presented to the Town Board.

**Upon roll call vote, Earl, no, Hochadel, aye, Montgomery, no, Morrell, aye, Gambino, aye. So resolved, 3 ayes, 2 noes.**

The Supervisor stated that the next resolution is for the appointment of a current member of the Fire Company as a non-resident member, because of a recent move to Yorkshire. Councilman Montgomery asked where he lives, and stated that some Fire Companies limit the distance away that they live. He also stated he feels the Fire Company should chip in on the house number signs, and stated that the stupidity in this Town is rampant. The following resolution, to be known as Resolution #42 of 2015, was then moved for adoption on a motion by Hochadel, seconded by Gambino:

**RESOLUTION #42 – 2015  
APPOINTMENT OF CHAFFEE-SARDINIA VOLUNTEER FIREMAN**

**WHERE AS** the Sardinia Town Board is in receipt of a letter stating that Holden W. Heineman recently moved and currently resides in the Town of Yorkshire, and

**WHERE AS**, Mr. Heineman has been a member in good standing of the Memorial Volunteer Fire Company of Chaffee-Sardinia since May of 2004

**WHERE AS** the Sardinia Town Board supports and approves this appointment to remain an active member, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves the appointment of Holden W. Heineman Volunteer Fireman to the Chaffee-Sardinia Memorial Fire Department.

**Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, did not vote, Morrell, aye, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 non vote.**

Supervisor Gambino stated that the next resolution is a request to have BENLIC take possession of the property on Schutt Rd., which was demolished. The following resolution, to be known as Resolution #43 of 2015, was then moved for adoption on a motion by Gambino, seconded by Hochadel:

**RESOLUTION #43 – 2015  
APPROVAL TO REQUEST THAT BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION  
ACQUIRE 12880 SCHUTT ROAD, SLB#326.06-2-11**

**WHEREAS**, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble and sell these properties; and

**WHEREAS**, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an inter-municipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

**WHEREAS**, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

**WHEREAS**, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

**WHEREAS**, the Town of Sardinia, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax delinquent properties and is desirous of partnering with BENLIC to address this problem.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Sardinia hereby officially requests that BENLIC acquire the following property:

**12880 SCHUTT ROAD                      SBL#326.06-2-11**

**AND BE IT FURTHER RESOLVED**, that the Town of Sardinia has completed the required Standardized Inspector's Report and Maintenance, Disposition and Reuse Plans (SIR/MDR plans) each property listed above and has attached the SIR/MDR plans to this resolution; and

**BE IT FURTHER RESOLVED**, that the Town of Sardinia agrees to reimburse Erie County for the costs associated with foreclosure of this property, and

**BE IT FURTHER RESOLVED**, that the Town of Sardinia agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property; and

**BE IT FURTHER RESOLVED**, that the Town of Sardinia hereby agrees to the terms and conditions of the BENLIC Pay it Forward Policy, adopted September 19, 2014 and that pursuant to section 1610 of the New York Not-for-Profit Corporation Law will remit to BENLIC 50% of the real property taxed collected for a period of five years on all of the parcels identified herein for which, upon disposition of the parcel, net proceeds are negative

**12880 SCHUTT ROAD                      SBL# - 326.06-2-11**

**AND BE IT FURTHER RESOLVED**, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

**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 last resolution is for approval of necessary Budget transfers. The following resolution, to be known as Resolution #44 of 2015, was moved for adoption on a motion by Morrell, seconded by Hochadel:

**RESOLUTION #44 – 2015  
APPROVAL OF FUND TRANSFER**

**WHEREAS**, the Town of Sardinia Board approves the following transfer of funds:

<b>TRANSFER FROM</b>	<b>AMOUNT</b>	<b>TRANSFER TO</b>
A1620.470 Operation Build – Computer	\$1402.01	A1620.490 Operation Buildings Other
A7020.100 Recreation Administr – Personal	\$217.36	A7020.400 Recreation Administr – Contractual
A7110.200 Parks – Equip	\$315.73	A7110.400 Parks – Contractual
A7110.200 Parks – Equip	\$84.99	A7180.200 Special Recreat Facilities Equip
DA9030.800 Social Security	\$376.82	DA9040.800 Workers Compensation

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

Attorney for the Town David DiMatteo handed out a draft of a Town of Sardinia Fund Balance Policy, stating that the Comptroller's Office is interested in the Town adopting such a policy. He gave an example of why such a policy might be beneficial, stating that there is currently \$40,000 in the Town's Reserve Fund, belonging to the Fire Company for their water development, instead of being in its own Reserve Fund. He suggested that the Board review and think about adopting the policy, and discuss it next month. Attorney DiMatteo also reported that he sent a letter to Mark I informing them that their Area Variance has expired, and is now nullified. He stated that according to their attorney, they intend to re-submit for the Variance. He stated that Chatfield Engineers has sent a list of problems with their water and sewer corporations, and Mark I is looking to schedule a conference to discuss those issues. Mr. DiMatteo stated that the Board needs an Executive Session to discuss contract negotiations and the Zielonka case. **On a motion by Earl, seconded by Morrell, the Board moved into Executive Session at 7:03 PM, carried, 5 ayes, 0 noes.**

**The Board returned to Regular Session at 7:18 PM on a motion by Hochadel, seconded by Morrell, and carried, 5 ayes, 0 noes.**

Attorney DiMatteo then asked for authorization from the Town Board to sign the Settlement Agreement between the Town of Sardinia and Marvin Zielonka, as offered by NYMIR. **On a motion by Gambino, seconded by Morrell, the Attorney was authorized to sign the Settlement Agreement. Carried, 5 ayes, 0 noes.**

**There being no further business to come before the Board, on a motion by Morrell, seconded by Hochadel, the meeting was adjourned at 7:19 PM. Carried, 5 ayes, 0 noes.**

Respectfully Submitted,

Town Clerk

