

**11-13-2014 – 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. 15 guests

The Sardinia Town Board held its Regular Town Board meeting for November on November 13, 2014 at the Sardinia Town Hall/Community Center. Supervisor Gambino called the meeting to order at 6:30 PM, and asked Veteran Gerard Whittington to lead the Pledge to the Flag, which was then followed by a Moment of Silence.

The minutes of the October 7, 2014 Special Town Board Meeting, the October 9, 2014 Regular Town Board meeting, the October 22, 2014 Public Hearing on CDGB FUNDS, the October 22, 2014 Special Meeting on CDGB Funds and DEC Lead Agency Status on the Gernatt matter, and the October 22, 2014 Special Meeting/Work Session on the 2015 Town Budget, were submitted by the Town Clerk. On a motion by Councilman Hochadel, seconded by Councilman Morrell, those minutes were all approved, carried, 5 ayes, 0 noes.

**Warrant #11 of 2014, including vouchers #613 through #683, totaling \$102,343.78, of which the General Fund was \$19,186.65, the Highway Fund was \$82,026.40, and the Lighting District Fund was \$1,130.73, was approved for payment on a motion by Earl, seconded by Morrell, and carried, 5 ayes, 0 noes.**

Supervisor Gambino noted the presence of Karl Simeth, representing Assemblyman David DiPietro. Mr. Simeth stated he was just visiting, and the Supervisor thanked him for coming.

**Departmental Reports:**

Councilman Montgomery reported that the two new streetlights are now installed. He also reported that the Free Rabies Clinic was held on October 18<sup>th</sup> and 77 rabies vaccines were given. He stated that the Senior Flu Clinic was held on October 31<sup>st</sup> and 77 flu vaccinations were given there. Mr. Montgomery informed that the Senior Citizens will be having their Thanksgiving Dinner at the Holland Willows on November 20<sup>th</sup> at noon, and would like anyone attending to bring a non-perishable food item, which will then be donated to the local food pantries. The Supervisor asked if there is a count for the dinner, and Mr. Montgomery stated there is not, and that Dick Rogers is taking signups. Mr. Montgomery also stated he had three complaints on Election Day about the condition of the downstairs bathrooms, and stated he would pass on the information to the Board.

Councilman Morrell reported that he and Councilman Earl had met with the Highway Employees Association, and that is to be settled by negotiations. He stated they would like to get it settled, and stated there will be an Executive Session need at the end of the meeting on the negotiations.

Councilman Hochadel reported that he had attended the Springville Control Center Board meeting, and they discussed the closing of the Helmuth Fire Dispatch, and all companies currently handled by Helmuth will now be dispatched through the Evans Fire Dispatch Center. Councilman Hochadel then thanked the Fire Company for the invitations to their Installation Banquet, and the Veterans for the invitation to their Veteran's Day service.

Councilman Earl reported that Friday Night Recreation started up last Friday, and that the Youth Board talked about hiring a Rec attendant to help out with that program. She stated they are also looking into having a 6 week Zumbatomics course starting in January or February, and would like to hold a course during January or February. She stated the Youth Board feels that the Town should pay \$25.00 per hour for 1 hour each week for an instructor, and she asked for the Board's permission to advertise for an instructor. **On a motion by Earl, seconded by Hochadel, permission was given to run an ad for a Zumbatomics instructor. Carried, 5 ayes, 0 noes.** Ms. Earl stated that there also discussion on holding a winter sledding party at the Park on Genesee Rd. sometime this winter. She also noted that the Girl Scouts received permission from the Board to hold an event at the Town Hall on April 10 & 11, 2015, but the dates should have been April 11 & 12, 2015, a Saturday and Sunday, and asked the Board for permission to the building on those days. **On a motion by Gambino, seconded by Morrell, the Girl Scouts were given permission to use the building on those dates instead of the previously stated dates. Carried, 5 ayes, 0 noes.**

Highway Superintendent Don Hopkins reported that he has just received 2200 tons of sand and salt, and, due to the cost increases for this year, it came to more than was in the Budget. He stated that they have all the sand and salt put in for this winter, and there will still be 2 more salt vouchers coming in. He stated that all of the trucks are up and running and worked well today. He also informed that the new pickup truck is now here and has been paid for. The Highway Superintendent stated that they finally got rid of the old roller today, and received \$940.00 in scrap payment for it.

Supervisor Gambino reported that as she already stated earlier, she has delivered the application for CDGB funding for the pool house and the committee will be here next Tuesday to look at it, and she will be on a committee to look at other projects, which will be done next Friday.

Attorney for the Town David DiMatteo reported that he had appeared in Erie County Supreme Court before Judge Sheila DiTullio on the Diamond Saw Works assessment case. He stated that Erie County has hired its own attorney because municipalities have been settling these assessment cases with the property owners and the County is losing tax dollars. He

stated he informed the County's Attorney that he felt it was grossly inequitable that the Town must hire and incur the cost of District has even more to lose if the assessment on the property is lowered, and stated he will call the School Superintendent to ask if they would also help with the cost of the appraiser. Supervisor Gambino noted that the Board had put the hiring of an appraiser on hold because it was very pricey. Attorney DiMatteo stated that Assessor Thelma Hornberger's choice would be for the Town to hire John Szakowski, and Mr. DiMatteo stated that he has worked with him before, and also has faith in him. He stated that the cost would be approximately \$7,500.00, and the appraisal is needed by mid-January 2015. Attorney DiMatteo stated he has spoken with the Assessor, who has told him that the inventory of the property is not very good and she has never been in the building. He suggested that the Town needs to hire an appraiser no later than the December 2014 meeting. The Attorney for the Town also stated that a draft Local Law is in the hands of the Town Board, and the purpose of the Law is to repeal the Town's TRUST Law. He stated that it was discussed when the Board held its exit conference with the NYS State Comptroller's Office, and was the assurance the Town made with the Comptroller's Office, that the TRUST Law would be rescinded or repealed. He stated that if the draft Law is acceptable with the Board, it will now need a Public Hearing. Mr. DiMatteo stated that the State Comptroller's Office was very critical of the TRUST Law, and determined that it was in clear violation of the State Constitution. The Supervisor stated she would like to hold the End of the Year Meeting on December 29<sup>th</sup> and hold the Public Hearing on the Local Law immediately preceding that meeting. She stated that December 29<sup>th</sup> is a Monday, and the bookkeeper would then come in and pay the approved bills from that meeting on the next day, December 30<sup>th</sup>, which is a Tuesday. She suggested holding the Public Hearing at 6:15 PM and the End of the Year meeting at 6:30 PM. **Board members agreed, and on a motion by Earl, seconded by Hochadel, a Public Hearing on proposed Local Law #1 of 2015, to repeal the Town's TRUST Law, was scheduled for December 29, 2014 at 6:15 PM, and the 2014 End of the Year Meeting was scheduled for December 29, 2014 at 6:30 PM. Carried, 5 ayes, 0 noes.** Attorney DiMatteo stated that, concerning the Zielonka lawsuit, the matter is moving forward and is in the Discovery phase. He stated that subpoenas will be coming for Board members and officials concerning that matter, and a Demand for Discovery will be coming to the Town Clerk.

In Unfinished Business:

The Supervisor stated that the first resolution this evening is for adoption of the Preliminary Budget as the Final Budget for 2015. **On a motion by Morrell, seconded by Hochadel, the following resolution, to be known as Resolution #51 of 2014, was moved for adoption:**

**RESOLUTION #51 - 2014  
APPROVAL OF 2015 BUDGET**

**WHEREAS**, the Sardinia Town Board has reviewed the 2015 Preliminary Budget, and

**WHEREAS**, the Sardinia Town Board approves the 2015 Preliminary Budget with no changes, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board hereby approves the 2015 Preliminary Budget for the Town of Sardinia, as presented to the Town Board, as the Final Adopted Budget for 2015.

**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 approve the 2015 contract between the Town and the Sardinia Historical Society. She asked if the Board members preferred a 1 year contract, or if they would like to do a 3 year contract. **The consensus was that a 3 year contract was preferable, and on a motion by Hochadel, seconded by Morrell, the following resolution, to be known as Resolution #52 of 2014 was then moved for adoption:**

**RESOLUTION #52 – 2014  
APPROVAL OF CONTRACT WITH TOWN OF SARDINIA AND  
SARDINIA HISTORICAL SOCIETY**

**WHEREAS**, the Sardinia Town Board agrees that the Historical Society does provide a service to the Town and agrees to provide the amount of \$25,000.00 annually for a period of 3 years to financially support such services and to aid in the maintenance of the Meeting House building, and

**WHEREAS**, the Sardinia Town Board gives permission to renew the contract which was previously held between the Town of Sardinia and the Sardinia Historical Society, giving the Supervisor permission to sign the renewed contract, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board hereby approves a contract with the Sardinia Historical Society and will provide the amount of \$25,000.00 for a period of 3 years as stated in the terms of the contract.

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

The Supervisor stated that the next resolution is in regards to the Erie County Land Bank taking the property at 12880 Schutt Rd., the Rupert property that has been deemed unsafe. She stated that the Land Bank automatically wins the bid when the County auctions the property, and they wanted 50% of the Town taxes back for the next 5 years, but the Town has no Town tax, which the Land Bank says is fine, so long as it is not a negative amount. She stated that the County also kicks in tax dollars. It will cost the Town \$1,400.00, but there will be no demolition costs to the Town, if the Land Bank takes accepts the property. Supervisor Gambino stated the resolution explains the process, and this is just the start, asking them to accept the property. **On a motion by Gambino, seconded by Earl the following resolution, to be known as Resolution #53 of 2014 was moved for adoption:**



**WHEREAS**, the Town of Sardinia recognizes that planning and preparatory actions are required before an emergency. Emergency preparedness allows the Town of Sardinia to prepare and react to emergency situations to save life and property if the town is threatened or hit by a disaster.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Sardinia shall have the primary responsibility to see everything possible is done to prepare for any disaster and to provide for the safety and security of the community during a disaster, and approves the Disaster Preparedness Plan as presented by Gerald J. Whittington Jr. – Town of Sardinia Disaster Coordinator.

**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 resolutions are to give permission to the Chaffee-Sardinia Little League teams for use of the gym and the ball fields. **On a motion by Hochadel, seconded by Earl, the following resolution, to be known as Resolution #55 of 2014, giving permission to the Muckdogs Travel Team, was moved for adoption:**

**RESOLUTION #55 -2014  
APPROVAL OF MUCKDOGS LITTLE LEAGUE TRAVEL BASEBALL TO USE  
THE TOWNS BASEBALL FIELDS AND GYM**

**WHEREAS**, the Muckdogs Little League Travel Baseball program would like to use the Town's baseball fields and gymnasium for the 2015 baseball season, and

**WHEREAS**, the Sardinia Town Board has supported and allowed the "Muckdogs" to use the Town's facilities in the past,

**NOW, THEREFORE, BE IT RESOLVED**, that the Sardinia Town Board approves the Muckdogs Little League Travel Baseball League to use the Town's baseball fields and gymnasium, upon proof of insurance.

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

**On a motion by Gambino, seconded by Earl, the following resolution, to be known as Resolution #56 of 2014, giving permission to the Chaffee-Sardinia Youth Baseball League, was moved for adoption:**

**RESOLUTION #56 - 2014  
APPROVAL OF CHAFFEE SARDINIA YOUTH BASEBALL TO USE  
THE TOWNS BASEBALL FIELDS AND GYM**

**WHEREAS**, the Chaffee Sardinia Youth Baseball program would like to use the Town's baseball fields and gymnasium for the 2015 baseball season, and

**WHEREAS**, the Sardinia Town Board has supported and allowed the "Chaffee Sardinia Youth Baseball" to use the Town's facilities in the past,

**NOW, THEREFORE, BE IT RESOLVED**, that the Sardinia Town Board approves the Chaffee Sardinia Youth Baseball League to use the Town's baseball fields and gymnasium, upon proof of insurance.

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

The Supervisor stated that the last resolution is to give approval for a gym rental for a birthday party. The following resolution, to be known as Resolution #57 of 2014, was then moved for adoption on a motion by Hochadel, seconded by Earl:

**RESOLUTION #57 of 2014  
APPROVAL OF GYM RENTAL FOR BIRTHDAY PARTY**

**WHEREAS**, the Sardinia Town Board has been asked permission to rent the gym on November 30<sup>th</sup> 2014 from 5pm – 7pm for Chris Warner's son's birthday party, and

**WHEREAS**, the current fee is \$50.00 for rental of gym,

**NOW, THEREFORE, BE IT RESOLVED**, that the Sardinia Town Board approves the rental of the gym on November 30, 2014 upon receipt of Chris Warner's certificate of insurance.

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

The Town's Disaster Coordinator, Gerry Whittington reported that he has now received all of the necessary State and County permits to erect Town house numbers, and he will now be working on a plan to possibly have the Boy Scouts help put them up. He asked if the money is still in the Budget for 2015 to put up the numbers, and was told it was put in the 2015 budget. He told the Board that he will come back with an estimate of the cost at the December meeting, and will work toward progressing with the project come spring.

**On a motion by Gambino, seconded by Hochadel, the Board then moved into Executive Session at 7:00 PM to discuss contract negotiations with the Highway Employees Association. Carried, 5 ayes, 0 noes.**

**The Town Board resumed the Regular meeting at 7:20 PM, on a motion by Earl, seconded by Hochadel, and carried, 5 ayes, 0 noes.**

**There being no further business to come before the Board, on a motion by Earl, seconded by Morrell the meeting was adjourned at 7:21 PM. Carried, 5 ayes, 0 noes**

Respectfully Submitted,

Betsy Marsh, Town Clerk

