

11-05-2018 – NOVEMBER REGULAR MEETING

Present:

Councilman Jamie Emmick
Councilman Leonard R. Hochadel
Councilman Douglas Morrell
Supervisor Beverly A. Gambino

Also Present:

Highway Superintendent Donald Hopkins
Town Clerk Jennifer Bray
Approx. 8 guests

Absent:

Councilman Mandy Quinn-Stojek

Supervisor Gambino opened the regular November meeting at 6:35 PM immediately following the 2019 Budget Public Hearing and the Fire Company Contract Public Hearing.

Supervisor Gambino stated that the first item on the agenda was the approval of the minutes from the October. There were three sets of minutes for the month. First two were from the October 11th Public Hearing on CDBG funding and the Regular Board meeting minutes. The third was from the October 16th Budget Work Session. **On a motion by Emmick, seconded by Hochadel, the minutes were approved as submitted. Carried, 4 ayes, 0 noes, 1 absent.**

Supervisor Gambino stated that the next item on the agenda was for payment of the bills. **On a motion by Hochadel, seconded by Morrell, Warrant #11 of 2018, including vouchers #643 through #705, totaling \$57,722.33 of which \$22,921.83 was for the General Fund, \$33,771.78 was for the Highway Fund, and \$1,028.72 was for the Street Lighting Fund was approved for payment. Carried, 4 ayes, 0 noes, 1 absent.**

Departmental Reports were as follows:

Supervisor Gambino reported that the rabies clinic had gone well on the 3rd of November. There were 76 animals of which 28 were from out of town.

Councilman Morrell agreed that rabies was very successful. He noted how nice and clean the Highway Garage looked as well as the equipment.

Councilman Hochadel started by introducing Albert Hansen who was the serving as constable for the meeting. Councilman Hochadel reported that there was no Springville Control meeting this month. He then thanked Waste Management for the nice lunch that they provided for the flu clinic.

Councilman Emmick reported that the CDBG grant had been submitted and that the Town would most likely not hear any results until spring. Councilman Emmick noted that Friday Night Rec would be starting on the 9th of November.

Highway Superintendent Hopkins reported that he had met with Lee Rhodus from the Muckdogs baseball about the fence extensions that they would like to have done and has everything marked out for it so it can be added to the fence project planned for Manion Park. Superintendent Hopkins noted that they have also requested to have concrete added to the bottom of the dugouts so he measured that out to work on in the spring. Next he noted that the Highway Department has all the plows ready to go as well as salt and sand for the winter. Next he reported that he had been giving a verbal ok to fix the washout on Wagner road but stated that the paper permit would only be good for 30 days and with more rain in the forecast it was suggested he wait until there was drier weather. He stated he would be looking into getting jersey barriers to keep the road safe until the work can be done. Next Superintendent Hopkins reported that the 1998 Mac Truck and grease machine have both been listed on Auctions International. He stated there had been a delay with the posting therefore they have only been on for a week and Auctions International likes them to run for two weeks. Superintendent Hopkins updated the Board on the bids that had be placed so far and asked the Board if they would like to set a Special Meeting to accept the bids or if they would like him to use his best judgement and updated them at that time. **On a motion by Morrell, seconded by Gambino, Superintendent Hopkins was given permission use his best judgement on accepting the bids from Auctions International. Carried, 4 ayes, 0 noes, 1 absent.** Next Superintendent Hopkins stated that overhead door opener remotes for the Highway Garage were in need of replacing. He stated that when he looked into it he found they were obsolete and that now the remotes are part of the door opener itself. Superintendent Hopkins stated that he asked Hamburg Overhead Door and Rupp Overhead Door to come look at the door openers and give him a cost for replacing the openers and remotes but only Rupp came to look at them. Superintendent Hopkins noted that the current openers were no long in compliance with safety standard because they so not have an auto stop feature on them. Superintendent Hopkins stated that Rupp Overheard Door gave him a quote for \$2,740.00 to replace both openers and remotes. **On a motion by Emmick, seconded by Hochadel, Superintendent Hopkins was given permission to have the Highway Garage door openers replaced by Rupp Overhead Door at a cost of \$2,740.00 to include remotes. Carried, 4 ayes, 0 noes, 1 absent.** Lastly Superintendent Hopkins reported that there was only one sealed bid submitted for the pool resurfacing

and tile replacement project discussed last month. Therefor he would like to extend the date for the bid opening to the December 13th 2018 meeting.

Supervisor Gambino stated that the next item on the agenda was a resolution to override the State tax cap. She stated that this override is only for the special lighting districts and that there would still be no town wide taxes. Supervisor Gambino stated that the past year fund balance had been used to cover the levy and therefor the taxes were zero so any increase would require an override of the tax cap. Supervisor Gambino noted that the total amount of taxes to be levied for the lighting districts only was \$10,000.00. **The following resolution, to be known as Resolution #42 of 2018, was moved for adoption on a motion by Hochadel, seconded by Morrell:**

RESOLUTION #42 – 2018

REQUEST TO “OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

WHEREAS, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and
WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a resolution to override such limits for such coming fiscal year only, and
WHEREAS, that the Town Board of the Town of Sardinia feels it is in the best interests of the Town of Sardinia to adopt said resolution, and
RESOLVED, that the Town Board of the Town of Sardinia feels it is in the best interests of the Town of Sardinia to override the Tax Cap.

DULY ADOPTED, this 5th day of November, 2018 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the next item on the agenda was a resolution for the approval of the 2019 Town of Sardinia Budget. Supervisor Gambino asked if the board had any comments on or changes they wanted to make to the 2019 Budget. There were none. **The following resolution, to be known as Resolution #43 of 2018, was moved for adoption on a motion by Emmick, seconded by Morrell:**

RESOLUTION #43 – 2018

APPROVAL OF 2019 BUDGET

WHEREAS, the Sardinia Town Board has reviewed the 2019 Preliminary Budget, and
WHEREAS, the Sardinia Town Board approves the 2019 Budget with the following changes (if applicable), and
NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the 2019 Budget for the Town of Sardinia as presented to the Town Board with the noted changes, (if applicable).

DULY ADOPTED, this 5th day of November, 2018 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the next item on the agenda was a resolution for the approval of the contract with the Chaffee Sardinia Fire Company. Supervisor Gambino stated that things went well with this contract and the Town was able to increase the percentages to help them more. She stated helping them helps the Town. **The following resolution, to be known as Resolution #44 of 2018, was moved for adoption on a motion by Hochadel, seconded by Morrell:**

RESOLUTION #44 – 2018

APPROVAL OF CONTRACT WITH MEMORIAL VOLUNTEER FIRE COMPANY OF CHAFFEE-SARDINIA

WHEREAS, the Sardinia Town Board has negotiated a contract with the Chaffee – Sardinia Fire Company for the upcoming years 2019 – 2023 for the Fire Protection District, and
WHEREAS, it is the intentions of the Sardinia Town Board to have a harmonious relationship with the Chaffee – Sardinia Fire Company, and
WHEREAS, the current Sardinia Town Board has agreed that the Chaffee - Sardinia Fire Company is in need of a larger portion of funds, as stated in the new contract so that they may have access to new equipment, training and provide their members with the protection that they may need, and
NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the 2019 – 2023 contract with the Chaffee – Sardinia Fire Company and gives permission for Town Supervisor to sign said contract.

DULY ADOPTED, this 5th day of November, 2018 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the next item on the agenda was a resolution allowing the Supervisor to sign the Emergency Medical Service Control Joint Service Agreement with East Aurora. **The following resolution, to be known as Resolution #45 of 2018, was moved for adoption on a motion by Emmick, seconded by Hochadel:**

RESOLUTION #45 – 2018

Approval for the Town of Sardinia Supervisor to Sign the Fire – Emergency Medical Service Control Joint Service Agreement

WHEREAS, The following agreement is entered into the 1st day of December, 2018, for the Town of Sardinia to join in the Fire – Emergency Service Control Joint Service Agreement with the Towns of Aurora, Elma, Holland, Marilla and Wales and the Village of East Aurora, municipal corporations existing under the laws of the State of New York and located in Erie County, New York (hereinafter referred to as “Participating Municipalities”).

WHEREAS, there is an existing agreement, dated March 3, 1977, detailing the terms and conditions under which the Participating Municipalities, including fire companies, departments, and districts within those municipal boundaries, are provided dispatch services from the Village of East Aurora; and **WHEREAS**, the Town of Sardinia, including the Chaffee-Sardinia Volunteer Fire Company, has requested to be added as a partner and Participating Municipality to the existing agreement and has requested that beginning January 1, 2019, that the Village of East Aurora shall provide dispatch services for the Town of Sardinia; and

WHEREAS, the fiscal impact shall be that the Town of Sardinia shall make payments in accordance with Section 9 – Expenses of Operation, Section 10 – Approval of Expenses, and Section 11 – Allocation of Cost, as detailed in the March 3, 1977 agreement, where all applicable expenses shall now be shared among seven Participating Municipalities, instead of the current six Participating Municipalities.

NOW, THEREFORE BE IT RESOLVED, that the Town of Sardinia hereby Approves joining the municipalities of the Towns of Aurora, Elma, Holland, Marilla and Wales and the Village of East Aurora, the Town Board hereby authorizes the Town Supervisor Beverly Gambino to sign afore mentioned contract and shall become a partner and Participating Municipality in the Fire – Emergency Medical Services Control Joint Service Agreement, dated March 3, 1977, and that the Town of Sardinia shall abide by the existing terms and conditions of the aforementioned Agreement, and as may be amended from time to time, and as a partner and Participating Municipality, the Town of Sardinia shall receive dispatch services from the Village of East Aurora, commencing January 1, 2019.

DULY ADOPTED, this 5th day of November, 2018 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino noted that she had been advised that switch over of the radios to East Aurora dispatch would be happening between the 15th and 25th of December. Supervisor Gambino then stated that the next item on the agenda was a resolution for approval for the Town Engineers to put the pool house renovations out to bid. Supervisor Gambino noted that the bid opening would be on January 7, 2019 at 10:00 am at the Town Hall and that the Engineers would have their recommendation at the January 10, 2019 board meeting. **The following resolution, to be known as Resolution #46 of 2018, was moved for adoption on a motion by Emmick, seconded by Hochadel:**

RESOLUTION #46 – 2018

APPROVAL TO PLACE THE VETERANS PARK POOL HOUSE PROJECT OUT TO BID

WHEREAS, the Town of Sardinia is the recipient of a DANSY Grant through the State of New York for \$50,000 (fifty thousand dollars), and

WHEREAS, it is the intentions of the Sardinia Town Board to renovate the restrooms and office area of the town pool house to accommodate Americans with Disabilities Act (ADA) , and

WHEREAS, at this time the Sardinia Town Board hereby authorizes the Town of Sardinia Veterans Park Pool House Project for bid, with a bid opening date of January 7th 2019 at 10:00am at the Sardinia Town Hall, and

NOW, THEREFORE BE IT RESOLVED, that the Town of Sardinia hereby approves the authorization of the Town of Sardinia Veterans Park Pool House Project for bid, with a bid date of January 7th 2019 at 10:00 am at the Sardinia Town Hall.

DULY ADOPTED, this 5th day of November, 2018 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the next item on the agenda was a resolution from the Town Attorney regarding the tax exempt status for large solar panels. Supervisor Gambino stated that currently New York State gives a 15 year exemption on large solar panels unless a Town opts out. She stated that currently there are no taxes in Sardinia but if there were it would be nice to be able to tax businesses with large solar panels and not just residents. Councilman Morrell asked if this would include taxing methane generators for farms. Supervisor Gambino noted at this time the resolution was to give the Town lead agency for SEQRA purposes. She stated that there would be a public hearing on this before any local law

could be passed. **The following resolution, to be known as Resolution #47 of 2018, was moved for adoption on a motion by Emmick, seconded by Hochadel:**

RESOLUTION #47 – 2018

A RESOLUTION RELATING TO THE STATE ENVIRONMENTAL QUALITY REVIEW PROCESS

WHEREAS, the Town Board of the Town of Sardinia is considering adopting a Local Law to exclude those provisions of Real Property Tax Law of the State of New York section 487 that provides a tax exemption for any solar Energy Systems created or placed in connection therewith; and

WHEREAS, the Town Board of the Town of Sardinia is duly qualified to act as lead agency for environmental review of certain actions undertaken by local government; and

NOW, THEREFORE, BE IT, RESOLVED, that the Town Board of the Town of Sardinia hereby declares itself as Lead Agency for SEQRA review purposes relating to excluding those provisions of Real Property Tax Law section 487 relating to a tax exemption and hereby determines that the proposed action is a Type II action that will result in no significant environmental impact and no further review will be undertaken.

DULY ADOPTED, this 5th day of November, 2018 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino ask the Board to set the Public Hearing for 6:30 pm on December 13th, 2018 with the regular Town Board Meeting to immediately follow. The Board agreed. Supervisor Gambino then stated that the next item on the agenda was a resolution for approve fund transfers to zero out a couple of accounts. **The following resolution, to be known as Resolution #48 of 2018, was moved for adoption on a motion by Emmick, seconded by Hochadel:**

RESOLUTION #48 – 2018

APPROVAL OF FUND TRANSFER

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

<u>TRANSFER FROM</u>	<u>AMOUNT</u>	<u>TRANSFER TO</u>
A1620.440 Operation of Building Repairs	\$700.00	A1620.43 Operation of Building Telephone
A5132.430 Garage Telephone	\$250.00	A 5132.490 Garage other expenses

DULY ADOPTED, this 5th day of November, 2018 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the last item on the agenda was a resolution to appoint four new members to the Chaffee Sardinia Fire Company. **The following resolution, to be known as Resolution #49 of 2018, was moved for adoption on a motion by Emmick, seconded by Hochadel:**

**RESOLUTION #49 – 2018
APPOINTMENT OF CHAFFEE-SARDINIA FIREMAN**

WHEREAS, the Sardinia Town Board is in receipt of the application of,

Alexandria E. Buncy – 12960 Allen Rd, Chaffee, NY 14030
Robert F. Mages – 12878 Schutt Rd, Sardinia, NY 14134
William J. Mages – 12878 Schutt Rd, Sardinia, NY 14134
Stephen S. Wagner – 12859 Rt. 39, Sardinia, NY 14134

Who have applied for a volunteer position as a Volunteer Firefighter to the Chaffee-Sardinia Memorial Fire Company and all reside in the Town of Sardinia, and

WHEREAS, the Sardinia Town Board supports and approves this appointment of Alexandria Buncy, Robert Mages, William Mages and Stephen Wagner, and

NOW THEREFOR, BE IT RESOLVED, that the Town Board approves the appointment of these Volunteer Fireman to the Chaffee-Sardinia Memorial Fire Department.

DULY ADOPTED, this 5th day of November, 2018 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

There being no further business to come before the Board, on a motion by Emmick, seconded by Morrell, the meeting was adjourned at 6:54 PM. Carried, 4 ayes, 0 noes, 1 absent.

Respectfully Submitted,

Town Clerk