

## 12/12/2019 DECEMBER REGULAR MEETING

Present:

Councilwoman Jamie Emmick  
Councilman Leonard R. Hochadel  
Councilman Douglas Morrell  
Councilwoman Mandy Quinn-Stojek  
Supervisor Beverly A. Gambino

Also Present:

Highway Superintendent Donald Hopkins  
Town Clerk Jennifer L. Bray  
Approx. 9 guests

Supervisor Gambino opened the regular November meeting at 6:36 PM immediately following the Public Hearings for proposed Local Law #2-2019 and proposed Local Law #3-2019.

Supervisor Gambino stated that the first item on the agenda was for approval of the minutes from November. Supervisor Gambino noted that there were two sets of minutes to be approved. The first was the Public Hearing on the 2020 Budget and the next was the Regular November Board meeting both held on November 14, 2019. **On a motion by Morrell, seconded by Quinn, the minutes were approved, as submitted. Carried, 5 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda is to approve the payment of the bills. **On a motion by Quinn, seconded by Hochadel, Warrant #12 of 2019, including vouchers #669 through #738, totaling \$236,428.35, of which \$174,753.95 was for the General Fund, \$56,888.90 was for the Highway Fund, \$3,654.89 was for the Fire Protection Fund and \$1,130.61 was for the Street Lighting Fund was approved for payment. Carried, 5 ayes, 0 noes.**

Departmental Reports were as follows:

Councilwoman Emmick had nothing to report but wished everyone happy holidays.

Councilman Hochadel had nothing to report but wished everyone happy holidays.

Councilman Morrell had nothing to report but wished everyone happy holidays.

Councilwoman Quinn had nothing to report but wished everyone happy holidays.

Supervisor Gambino started by thanking Councilman Morrell and Councilwoman Quinn for their service as Town Board members and wished them good luck in their future endeavors. Supervisor Gambino then reported that the Tri County Kiwanis has requested a donation for their upcoming senior dinner. Supervisor Gambino noted that this year the dinner was different than in past years and was now going to be for seniors from Arcade and Yorkshire as well. She also noted that the dinner was not going to be held in Sardinia but that it would be held at the Delavan Training Center in Yorkshire. After a brief discussion it was agreed that the Town would cover the cost of the Gene Hiltz to play music for the Kiwanis senior dinner. **On a motion by Emmick, seconded by Hochadel, the board approved payment for Gene Hiltz to play at the senior dinner. Carried, 5 ayes, 0 noes.**

Superintendent Hopkins reported that he had Paul Pagano do the partial survey at Manion Park and he would like to have him survey the rest of the park so that the Town has a complete updated survey. **On a motion by Emmick, seconded by Quinn, the board approved Superintendent Hopkins to get the remaining part of Manion Park surveyed. Carried, 5 ayes, 0 noes.** Superintendent Hopkins reported that he would like to add having any cracks in the tennis court fixed at the same time that they do the basketball court. Supervisor Gambino noted that there may be a warranty on the tennis court and that she would look into it. Next Superintendent Hopkins updated the Board on the status of the new plow truck. Next Superintendent Hopkins thanked Doug and Mandy for their support of the Highway Department during their terms as Councilmen. Next Superintendent Hopkins requested that the Town Board declare the following unused items as surplus so that he can list them on Auction's International. The items are a 3000 Watt Generator, 9 inch posthole digger, two tool box bases, 480 unused bricks from the build renovations, and a few metal folding chairs. **On a motion by Hochadel, seconded by Morrell, the board declared the items surplus and gave Superintendent Hopkins permission to list them on Auction's International. Carried, 5 ayes, 0 noes.** Lastly Superintendent Hopkins thanked the Fire Company for all of their work during an accident that occurred on Rt.39 earlier in the week.

Supervisor Gambino stated that the next item on the agenda was a resolution supporting legislation to halt the new criminal justice reforms that have been passed by New York State. **Therefore the following resolution, to be known as Resolution #44 of 2019, was moved for adoption on a motion by Morrell, seconded by Hochadel:**

## Resolution #44 – 2019

### RESOLUTION –SUPPORT LEGISTATION TO HALT NEW CRIMINAL JUSTICE REFORM (BAIL & DISCOVERY REFORM)

**WHEREAS**, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

**WHEREAS**, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

**WHEREAS**, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and,

**WHEREAS**, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

**WHEREAS**, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

**WHEREAS**, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

**WHEREAS**, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

**WHEREAS**, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

**WHEREAS**, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

**WHEREAS**, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and  
**WHEREAS**, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

**WHEREAS**, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

**WHEREAS**, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and

**WHEREAS**, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

**WHEREAS**, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

**WHEREAS**, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

**WHEREAS**, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and

**WHEREAS**, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

**WHEREAS**, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

**WHEREAS**, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

**WHEREAS**, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

**WHEREAS**, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

**BE IT RESOLVED**, that the **TOWN OF SARDINIA** hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

**BE IT FURTHER RESOLVED**, that the **TOWN OF SARDINIA** asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

**BE IT FURTHER RESOLVED**, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM.

**DULY ADOPTED, this 12th day of December, 2019 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.**

Supervisor Gambino stated that next item on the agenda was a resolution for the Town to take lead agency in regards to SEQR. Supervisor Gambino noted that this was necessary to do when passing local laws and that this is a type two action. Supervisor Gambino stated that this SEQR resolution was for proposed Local Law No. 2-2019. **Therefore the following resolution, to be known as Resolution #45 of 2019, was moved for adoption on a motion by Emmick, seconded by Hochadel:**

#### **Resolution #45 – 2019**

#### **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 pertaining to a decrease of Planning Board members from seven members to five members pursuant to Section 271 of the Town Law of the State of New York; 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;

**NOW, THEREFORE, BE IT,**

**RESOLVED**, that the Town Board of the Town of Sardinia hereby declares itself as Lead Agency for SEQRA review purposes and hereby determines that the proposed action is a Type II action. No further review is required.

**DULY ADOPTED, this 12th day of December, 2019 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda was proposed Local Law No. 2-2019. A Local Law providing for the decrease of the number of planning board members. The Local Law will read as follows.

**LOCAL LAW NO. 2-2019  
LOCAL LAW PROVIDING FOR A DECREASE IN THE NUMBER OF MEMBERS OF  
THE TOWN OF SARDINIA PLANNING BOARD**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF SARDINIA AS FOLLOWS:**

**SECTION 1. AUTHORITY**

This Local law is enacted pursuant to the authority of Section 271 of the Town Law of the State of New York which authorizes a Town Board of a Town that has seven members on its Planning Board to decrease by Local Law or Ordinance the membership of said Board to five, to take effect upon the next two expirations of terms.

**SECTION 2. DECREASE IN MEMBERSHIP**

The membership of the Town of Sardinia Planning Board be and hereby is decreased from seven members to five members upon expiration of the terms of office of those present members of the Town Planning Board whose terms of office expire on December 31, 2019 and December 31, 2020.

**SECTION 3. SEPARABILITY**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any Court of competent jurisdiction, such Judgment shall be confined in its operation to the part or provisions or application directly involved in the controversy in which such Judgment shall have been rendered and shall not effect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Sardinia hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent .

**SECTION 4. REPEAL**

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

**SECTION 5. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

Supervisor Gambino the next item on the agenda was a resolution to adopt Local Law No. 2-2019. A Local Law providing for the decrease of the number of planning board members. **Therefore the following resolution, to be known as Resolution #46 of 2019, was moved for adoption on a motion by Quinn, seconded by Morrell:**

**Resolution #46 – 2019**

**RESOLUTION TO ADOPT LOCAL LAW NO. 2-2019**

**WHEREAS**, Local Law No. 2-2019 has been submitted to the Town Board to provide for a decrease in the number of Planning Board members from seven members to five members as authorized by Section 271 of the New York Real Property Tax Law, and

**WHEREAS**, the proposed Local Law has been carefully considered by the Town, and

**WHEREAS**, a Public Hearing was held on December 12<sup>th</sup>, 2019 permitting public comments in regard to the change to five Planning Board members,

**NOW, THEREFORE**, be it

**RESOLVED**, Local Law No 2-2019 is hereby adopted and shall become effective upon filing of the Local Law with the New York Secretary of State, and be it further

**RESOLVED**, the Town Clerk is directed to file a copy of the Local Law with the New York State Department of State and forward a copy of the Local Law to General Code Publishers for the purpose of amending the Code Book of the Town of Sardinia.

**DULY ADOPTED, this 12th day of December, 2019 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.**

Supervisor Gambino stated that next item on the agenda was a resolution for the Town to take lead agency in regards to SEQR. Supervisor Gambino noted that this was necessary to do when passing local laws and that this is a type two action. Supervisor Gambino sated that this SEQR resolution was for

proposed Local Law No. 3-2019. **Therefore the following resolution, to be known as Resolution #47 of 2019, was moved for adoption on a motion by Hochadel, seconded by Quinn:**

**Resolution #47 – 2019**

**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 provide for the codification of the local laws, ordinances and certain resolutions of the Town of Sardinia into a municipal code to be designated the “Code of the Town of Sardinia”.

**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;

**NOW, THEREFORE, BE IT,**

**RESOLVED**, that the Town Board of the Town of Sardinia hereby declares itself as Lead Agency for SEQRA review purposes and hereby determines that the proposed action is a Type II action. No further review is required.

**DULY ADOPTED, this 12th day of December, 2019 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda was a resolution to enact Local Law No. 3-2019 for adoption of the updated Code of the Town of Sardinia. **Therefore the following resolution, to be known as Resolution #48 of 2019, was moved for adoption on a motion by Hochadel, seconded by Morrell:**

**Resolution #48 – 2019**

**RESOLUTION TO ENACT LOCAL LAW NO. 3 -2019  
CODE OF THE TOWN OF SARDINIA**

**WHEREAS** a public hearing was held the 12th day of December, 2019 by the Town Board of the Town of Sardinia, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York;

**WHEREAS** at said public hearing the Town Board considered the enactment of proposed Local Law No. 3-2019, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF SARDINIA INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE TOWN OF SARDINIA”; and

**WHEREAS** all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law No. 3-2019 be enacted as follows:

**ARTICLE I  
Adoption of Code**

**§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws of the Town of Sardinia, as codified by General Code, and consisting of Chapters 1 through 115, together with an Appendix, shall be known collectively as the “Code of the Town of Sardinia,” hereafter termed the “Code.” Wherever reference is made in any of the local laws contained in the “Code of the Town of Sardinia” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the 1989 Code and the local laws in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Sardinia, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and

ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

**§ 1-3. Repealer.**

- A. Repeal of inconsistent enactments. Except as provided in § 1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Sardinia which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Town Board of the Town of Sardinia has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:

- (1) Local Law No. 1-2013, Construction Codes, Uniform, amendment, adopted March 14, 2013.

**§ 1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Sardinia prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Sardinia or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Sardinia.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Sardinia.
- E. Any local law or ordinance of the Town of Sardinia providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Sardinia or any portion thereof.
- F. Any local law or ordinance of the Town of Sardinia appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Sardinia or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to April 11, 2019.

**§ 1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article,

chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **§ 1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Sardinia and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Sardinia by impressing thereon the Seal of the Town of Sardinia, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

#### **§ 1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws known collectively as the "Code of the Town of Sardinia" or any new local laws, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws may be amended, deleted or changed from time to time as the Town Board deems desirable.

#### **§ 1-8. Code book to be kept up-to-date.**

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Sardinia required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws until such changes or local laws are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

#### **§ 1-9. Sale of Code book; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

#### **§ 1-10. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Town of Sardinia in any manner whatsoever which will cause the legislation of the Town of Sardinia to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

#### **§ 1-11. Changes in previously adopted legislation; new provisions.**

- A. In compiling and preparing the local laws for publication as the Code of the Town of Sardinia, no changes in the meaning or intent of such local laws have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws as they have been renumbered and appear in the Code.)
- C. Nomenclature. Throughout Chapter 68, Games of Chance, the term "New York State Racing and Wagering Board" is amended to read "New York State Gaming Commission."

#### **§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Sardinia, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

#### **§ 1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**Town of Sardinia  
Code Adoption Local Law**

**Schedule A  
Specific Revisions at Time of Adoption of Code**

**Chapter 4, Appearance Tickets.**

Section 4-3 is amended as indicated: "An appearance ticket other than for a parking violation shall be served personally, except that an appearance ticket issued for the violation of a local zoning ordinance, or of a local building or sanitation code, may be served in any manner authorized for service under § 308 of the Civil Practice Law and Rules."

**Chapter 14, Ethics, Code of.**

A. Section 14-2.

(1) The definition of "interest" is added to read as follows:

*A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.*

(2) The definition of "town employee" is amended to add the following sentence at the end: "No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief."

B. Section 14-4A(8) is added to read as follows:

*Directly or indirectly solicit any gift, or accept or receive any gift having a value of \$75 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.*

C. Original § 14-11 of the 1989 Code, Copies to be filed with State Comptroller, is repealed.

**Chapter 19, Officers and Employees.**

**Article I, Terms of Office.**

Sections 19-1 and 19-2 are amended to remove references to the Tax Collector.

**Chapter 22, Planning Board and Zoning Board of Appeals.**

**Article I, Alternate Members.**

Section 22-2 is amended as indicated:

~~It is sometimes~~ *At times it is difficult to maintain a quorum on the Planning Board and the Zoning Board of Appeals because members are ill, or on extended vacation, or find they have a conflict of interest situation on a specific matter before such a board* ~~the Board or are otherwise unavailable.~~ *In such instances, official business cannot be conducted, which may delay or impede adherence to required time lines. The use of alternate members in such instance is hereby authorized pursuant to the provisions of this article.*

**Article II, Member Training and Attendance.**

Original § 22-7 of the 1989 Code, Legislative intent and purpose, is repealed.

**Chapter 24, Purchasing.**

**Article I, Best Value Contracts.**

The definition of "best value" in § 24-4 is amended as indicated: "... small businesses or certified minority- or women-owned business enterprises as defined in Subdivision (1), (7), (15), and (20) of § 310 of the Executive Law or service-disabled, veteran-owned business enterprises as defined in Subdivision 1 of § 369-h of the Executive Law to be used in evaluation of offers for awarding of contracts for services."

**Chapter 48, Buildings, Numbering of.**

Section 48-1A is amended as indicated:



On the effective date of this chapter, all residential and commercial buildings within the geographic limits of the Town of Sardinia must have, either upon the buildings themselves in numbers large enough to be read from the highway, or on a sign, mailbox or other suitable posting visible from the road, the building number assigned to them by the Sardinia Town Board in Arabic numerals or alphabet letters, a minimum of four inches high, with a minimum stroke width of 0.5 inches, and of contrasting color.

#### **Chapter 49, Buildings, Unsafe.**

A. Section 49-2 is added to read as follows:

*The provisions of this chapter shall be in addition to, and in furtherance of, the New York State Uniform Fire Prevention and Building Code, including, but not limited to, provisions regulating unsafe structures in the Fire Code and the Property Maintenance Code of New York State, as supplemented.*

B. Section 49-13 is added to read as follows:

*Any person who violates any provisions of this chapter shall be guilty of a violation and is subject to a fine of not more than \$250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. Every day such violation exists shall constitute a separate offense and be punishable as such hereunder. The imposition of any penalty for a violation of this chapter shall not excuse the violation or permit the same to continue.*

#### **Chapter 51, Campgrounds and Recreational Vehicles.**

A. Section 51-5.

- (1) Section 51-5H is amended to change "60 days" to "62 days."
- (2) Section 51-5J is amended to change "45 days" to "62 days."
- (3) Section 51-5P is amended to change "75 days" to "62 days."
- (4) Section 51-5R is amended to update the statutory reference to "§ 239K" of the General Municipal Law to read "§ 239-f"; and to change the fillable dates of the endorsement from "19\_\_" to "20\_\_."
- (5) Section 51-5U is amended as indicated:

*The following license fees are hereby established for campgrounds:*

*Campgrounds having a capacity of not more than five recreational vehicles: ~~\$25~~  
\$250.*

*Campgrounds having a capacity of not more than 10 recreational vehicles: ~~\$50~~  
\$500.*

*Campgrounds having a capacity of not more than 15 recreational vehicles: ~~\$75~~  
\$1,000.*

*Campgrounds having a capacity of not more than 20 recreational vehicles: ~~\$100~~  
\$2,000.*

*Campgrounds having a capacity of more than 20 recreational vehicles: ~~\$250~~  
\$5,000.*

#### **Chapter 52, Construction Codes, Uniform.**

This chapter is amended in its entirety to read as follows:\*

#### **Chapter 54, Dogs.**

A. The last sentences of §§ 54-1 and 54-3 are amended as indicated: "This article is enacted pursuant to the provisions of ~~Section 124 [to be renumbered Section 122 effective January 1, 2014]~~ § 122 of the Agriculture and Markets Law of the State of New York."

B. Section 54-10D(1) is amended as indicated: "Except as otherwise provided in § 119 of the Agriculture and Markets Law, Penalties shall be as follows:"

#### **Chapter 88, Peddling and Soliciting.**

A. Section 88-2 is amended as indicated:

*... servicing the Town; or to students under the age of 21 years pursuing part-time self-employment; or to any person or individual that is merely proselytizing for either religious or political purposes, distributing religious or political handbills at no cost, or exercising the right to anonymous religious or political speech without soliciting any funds and without selling any goods or soliciting for contributions...*

B. Section 88-3 is amended as indicated: "The fees for a license or permit shall be ~~the sum of \$20 from the time the license or permit is issued until the 30th day of June next thereafter or a daily fee of \$2 per day~~ \$20 per calendar year."

**Chapter 99, Taxation.**

**Article II, Senior Citizens Exemption.**

This article is amended in its entirety to read as follows:\*

**Chapter 111, Vehicles and Traffic.**

Section 111-24 is amended to revise the fine amounts from \$50 for a first conviction, \$100 for a second conviction, and \$250 for a third or subsequent conviction to \$150, \$300, and \$450, respectively.

**Chapter 115, Zoning.**

A. Section 115-13.

- (1) The definition of "campground" is amended to read as follows:

*A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding manufactured homes designed for year-round occupancy or as a place of residence.*

- (2) The definition of "day-care center" is amended to change "New York State Department Family and Children Services" to "New York State Office of Children and Family Services."

B. The table in 115-35 is amended, in part, as indicated:

<i>Furniture, floor covering store, hardware store/building supply</i>	<i>1 per 300 square feet of gross floor area</i>
<i>Indoor entertainment, bowling alley, movie theaters</i>	<i>10 spaces per 1,000 square feet of net floor area, 1 per each 5 seats for movie theater</i>
<i>Indoor recreational sports</i>	<i>1 space per each 5 seats of spectator area and 10 spaces per 1,000 square feet of net floor area where spectator seating is not provided</i>
<i>Miniature golf, golf driving range and commercial outdoor</i>	<i>3 spaces per hole, plus 1 per employee</i>

- (3) The definition of "family" is added to read as follows:

*One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, or a number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.*

C. The lead-in paragraph of § 115-52 is amended as indicated: "The keeping of agricultural animals owned by a resident or occupant for noncommercial agricultural purposes shall be a permitted accessory use within an AR-Agricultural Residential District subject to the following:"

D. Section 115-64.

- (1) Subsection A(1) is amended as indicated: "To establish a permit system to allow a variety of types of signs in the ~~commercial and manufacturing districts, and a limited variety of signs in other districts,~~ Town, subject to the standards and the permit procedures of this chapter;"
- (2) Subsection A(2) is amended to delete the phrase "of a noncommercial nature."
- (3) Subsection C.
- (a) The definitions of "commercial message (commercial content)" and "noncommercial message (noncommercial content)" are repealed.
- (b) The definition of "sign, incidental" is amended as indicated: 'A sign, ~~generally informational,~~ that has a purpose secondary to the building lot on which it is located, such as "no parking," "loading only," building directories and similar directives. ~~No sign with a commercial message legible from a position off the building lot on which the sign is located shall be considered incidental.'~~
- (c) The definition of "sign, wall" is amended to delete the second and third sentences, which originally read "Wall signs shall also include any painted sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity. Such other representation shall also include artwork such as murals, etc."

- E. Section 115-65 is amended to delete the last two sentences, which originally read: "No permit shall be necessary to erect a sign with a noncommercial message. However, all signs with noncommercial messages/expressions of free speech shall observe the maximum cumulative size areas as set forth in this chapter and other restrictions limiting locations which promote the health safety and welfare of the community."
- F. Section 115-66.
- (1) Subsection A is amended as indicated: "...this shall not preclude signs carrying ~~noncommercial~~ messages which are expressions..."
  - (2) Subsection H is amended to delete the second sentence, which originally read "Commercial message signs shall be limited to the installation/placement on building walls or freestanding signs."
  - (3) Original § 115-22.2A.18) of the 1989 Code, regarding signs with no commercial message, is repealed.
- G. Section 115-67.
- (1) Subsection A is amended to delete the phrase "commercial-message freestanding."
    - (a) Subsection A(1)(a) is amended to delete the phrase "for permitted commercial uses."
    - (b) Subsection A(1)(b) and (h) is amended to delete the phrase "commercial message signs not permitted."
  - (2) Subsection B is amended as indicated: "Nonflashing signs ~~which direct attention to a profession, business, service, entertainment or commodity conducted, offered, sold, or manufactured upon the same lot~~ (including "for rent" or "for sale" signs) shall be permitted in any business district, subject to the following restrictions:"
  - (3) Subsection C is amended as indicated:
 

*Maximum cumulative sign areas permitted. The maximum amount of signage which is permitted to be on a parcel/lot shall be based on the following schedule. ~~Such maximum sign areas shall include commercial signage for exterior wall signage, the maximum allowable sign area allowed for a freestanding sign and noncommercial messages/expressions of political speech:~~*
  - (4) The unnumbered paragraph in original § 115-22.3D of the 1989 Code, regarding corporate flags, is repealed.
  - (5) Subsection E is amended as indicated: "The use of one portable/temporary sign shall be permitted ~~for seasonal commercial messages/promotions~~ under the following conditions:"
  - (6) Original Sec. 2 of L.L. No. 1-2012, adopted 4-12-2012, adding provisions regarding off-site temporary and portable signs for agricultural or horticultural selling purposes as Subsection F of original § 115-22.3 of the 1989 Code, is repealed.
- H. Section 115-69A is amended as indicated: "A use which was lawfully established prior to the adoption of this chapter or any subsequent amendment thereto and made lawfully nonconforming may continue subject to the restrictions and limitations of this article."
- I. Section 115-71 is amended as indicated: "... customary accessory uses made lawfully nonconforming at the adoption of this chapter or any subsequent amendment thereto may be enlarged or extended ..."
- J. In § 115-98D, the last sentence is amended as indicated: "Such conditions or restrictions shall be incorporated in the building permit and certificate of zoning compliance or certificate of occupancy."
- K. Section 115-101.
- (1) The second sentence of § 115-101B is amended as indicated: "Such appeal shall be taken, ~~within such time as shall be prescribed by the Board of Appeals by general rule,~~ within 60 days after the filing of a determination by the administrative officer by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal, specifying the grounds thereof."
  - (2) In § 115-101E, the reference to Subdivision 4 of § 267 of the Town Law is amended to "Town Law § 267-a, Subdivision 6, Stay upon appeal."

(3) In § 115-101F, the reference to Subdivision 5 of § 267 of the Town Law is amended to "Town Law § 267-a, Subdivision 7, Hearing on appeal."

L. In § 115-104, the reference to Subdivision 6 of § 267 of the Town Law is amended to "§ 267-a, Subdivision 12, Rehearing."

**DULY ADOPTED, this 12th day of December, 2019 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.**

Supervisor Gambino stated that the last item on the agenda was a resolution to approve needed fund transfers. **Therefore the following resolution, to be known as Resolution #49 of 2019, was moved for adoption on a motion by Emmick, seconded by Hochadel:**

**Resolution #49 – 2019**

**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>
A1220.480 Supervisor Accountants	\$1250.00	A1320.400 Auditor – Annual
A1490.400 Adminstr Grants	\$5,000.00	A1620.100 Operation Build/Pers
A7110.200 Equipment Parks	\$5,000.00	A7110.100 Parks Personal
DA5110.120 General Repairs Personal	\$6,211.81	DA5130.200 Highway Equipmt
DA5110.113 General Repairs -overtime	\$1,816.97	DA5130.200 Highway Equipmt
DA5110.450 General Repair – Sidewalk	\$1,000.00	DA5130.200 Highway Equipmt
DA5110.140 General Repair – Overtime	\$3,000.00	DA5130.200 Highway Equipmt
DA9010.800 State Retirement	\$15,800.10	DA5130.200 Highway Equipmt
DA9050.800 Unemployment Ins	\$5,000.00	DA5130.200 Highway Equipmt
DA9060.800 Hospital & Medical	\$8,000.00	DA5130.200 Highway Equipmt
DA9040.800 Workman Comp	\$4,939.12	DA5130.200 Highway Equipmt
DA5110.420 General Fuel & Lube	\$5,000.00	DA Highway Repair & Maint
DA909 Fund Balance	\$10,000.00	DA5142.450 Sand & Salt

**DULY ADOPTED, this 12th day of December, 2019 by the following vote: Emmick aye, Hochadel, aye, Morrell, aye, Quinn, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.**

**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 5 ayes, 0 noes.**

Respectfully Submitted,

Town Clerk