

## 2-11-2016 – FEBRUARY REGULAR MEETING

Present:

Councilman Cheryl L. Earl  
Councilman Leonard R. Hochadel  
Councilman Douglas J. Morrell  
Councilman Mandy Quinn-Stojek  
Supervisor Beverly A. Gambino

Also Present:

Highway Superintendent Donald Hopkins  
Town Clerk Betsy A. Marsh  
14 guests

Supervisor Gambino called the meeting to order at 6:30 PM, with the Pledge to the Flag led by Veteran James Wiedemann.

The Supervisor stated that the first item on the agenda was the approval of the January 2016 Organizational and Regular Board meeting minutes. Councilman Earl stated she would like to wait to approve the minutes until after an Executive Session concerning a personnel issue.

Supervisor Gambino stated that the next item is for payment of the bills. **On a motion by Earl, seconded by Hochadel, Warrant #2 of 2016, including vouchers #23 through #91, totaling \$43,078.12, was approved for payment. Carried, 5 ayes, 0 noes.**

Departmental Reports were as follows:

Councilman Earl stated that the Board has audited the Town Clerk and Tax Collector's financial records, and everything was found to be in order, except that the Board has requested a letter of Collateral Security for the tax money deposited over and above the FDIC amount. She asked the Clerk if Five Star Bank has provided such a letter, and the Clerk replied that she has not received it as yet. Ms. Earl again stated that she would like the Board to go into Executive Session at the end of the meeting for a personnel matter.

Councilman Hochadel reported that he had attended the Springville Control Board meeting on January 21<sup>st</sup>. He stated they have hired a new dispatcher who is currently being trained. He stated that Mercy Ambulance's service is very good, and everyone is happy with them. He stated that Springville is talking about a Code Red program, and he will be attending those meetings and bringing information back to the Board. Mr. Hochadel also reported that he is also looking into a possible solar electricity field for the Town, and stated he has spoken to a couple of companies that do such installations, and has sent the Town's electric bills to them in order that they can give us information on such a project, as well as costs.

Councilman Morrell reported that Sandy Fliss is the new person in charge of arranging their trips, and wanted to attend this evening, but was unable to. He stated that Joanne Rogers contacted him to have him announce that the Seniors will be meeting at Pizza Hut in Yorkshire on February 23<sup>rd</sup>, at noon; and will be meeting at Moore's Pancake House on March 29<sup>th</sup>, at 12:30 PM. He then read the Seniors' schedule for the year. Mr. Morrell thanked the Highway Department and the Firemen for doing a good job. Councilman Morrell stated that he would like to see the Privilege of the Floor portion of the meeting brought back, suggesting that each person be given 3 minutes to speak. He also reminded that people can call any Board member at any time with concerns. **On a motion by Morrell, seconded by Quinn, Privilege of the Floor will be reinstated, with a 3 minute time limit per person. Carried, 5 ayes, 0 noes.**

Councilman Quinn stated that there has been some vandalism in the Genesee Rd. Park during the last month, and stated she would like to see the Park gates locked at dusk each night, and opened again in the morning. Councilman Quinn stated she would be willing to volunteer to be the one to do so, since she lives so close to the Park. **On a motion by Earl, seconded by Morrell, Councilman Quinn was given permission to lock the Genesee Rd. Park gates at dusk, and open them again in the morning. Carried, 5 ayes, 0 noes.** Highway Superintendent Hopkins had a concern about the plan, asking Ms. Quinn when she would be opening the gates in the morning. She stated that she gets up at about 5 AM. Mr. Hopkins stated that quite often, he is plowing the Park at approximately 3 AM, and could open the gate then, but stated it would be inconvenient to have to close them again when he is done. It was the consensus that he should just leave the gates open when he leaves the Park in the morning.

Supervisor Gambino stated that Connie Rice from Savage Rd. was in the office and expressed how happy she was that our Highway Dept. has taken over the plowing of that road because they do a much better job than the County Highway. The Supervisor reported that Mrs. Rice also brought in a letter from the Sardinia Methodist Church, asking for permission to use the gym on June 4<sup>th</sup> and 5<sup>th</sup> for their auction and silent auction. Supervisor Gambino stated that they have been having them at the Meeting House for the past few years, but there is currently a church meeting there on Sundays, and their auctioneer can only do it on Sundays. **On a motion by Hochadel, seconded by Earl, the Sardinia Methodist Church was given permission to use the gym on June 4<sup>th</sup> for their auction set up, and June 5<sup>th</sup> for the auction. Carried, 5 ayes, 0 noes.** The Supervisor also stated that Chris Warner has asked to use the gym for a birthday party for his son on March 5<sup>th</sup>. He will provide a Certificate of Insurance. **On a motion by Earl, seconded by Quinn, Mr. Warner was given permission to use the gym on March 5<sup>th</sup>. Carried, 5 ayes, 0 noes.** The Supervisor also noted that last month, the Girl Scouts had asked permission to use the building on Saturday, March 13<sup>th</sup>, but March 13<sup>th</sup> is actually a Sunday, and that is the day they would like to use the building. No one had a problem with that. She also informed that Tom Lewis, District Manager of Chaffee Landfill, has received a promotion, and will still be living in Sardinia, but will be traveling to Maryland and West Virginia. Mr. Lewis brought his replacement as District Manager, Michael Mahar, and introduced him to the Supervisor and the Town Clerk.

Highway Superintendent Hopkins stated that he has contacted Chautauqua County for their current pickup truck bid, and they have not yet emailed it to him. He stated that the local dealer that he contacted has not responded yet, either. He stated that he could let it go until next month, or bid it out ourselves. It was the consensus that he should wait for the other bids until next month. Mr. Hopkins stated he needs the pickup by May. He also informed that the

Town has received a check from the County for the snowplow contract, in the amount of \$74,822.00, for half a year, and the extra money is due to picking up Savage Rd. and Matteson Corners Rd. Mr. Hopkins stated that everyone he has spoken with is happy with the changeover. The Highway Superintendent stated that he was contacted by National Fuel concerning the bonding of Mihm Rd. during their pipeline installation. He asked the opinion of the Attorney for the Town, and Mr. DiMatteo stated that typically, the amount of the bonding is 3 times the cost of reconstruction cost, in this case, approximately \$1,600,000.00. He stated that they have a right to use the Town roads, but do not have the right to destroy them, and having that amount as a bond will protect the Town.

Supervisor Gambino stated she has run ads for a Planning Board member and a Board of Assessment Review member, and has not received any applications or phone calls. She asked the Board how they would like her to proceed to fill the vacancies. **Councilman Earl suggested she run the ad for two more weeks, and on a motion by Morrell, seconded by Earl, the Supervisor was authorized to run the ad for two more weeks. Carried, 5 ayes, 0 noes.**

The Supervisor stated that the first resolution on the agenda is to approve St. Jude's Church's request to use the Town Hall gym for their annual Chinese Auction in September. **The following resolution, to be known as Resolution #10 of 2016, was the moved for adoption on a motion by Earl, seconded by Hochadel:**

**RESOLUTION #10 – 2016  
APPROVAL OF ST. JUDES CHURCH UTILIZING THE TOWN HALL**

**WHEREAS**, the Sardinia Town Board has received and reviewed a letter from Ann Feraldi of the St. Jude's Altar Rosary Society requesting the use of the Sardinia Town Hall gym for the purpose of holding their annual Chinese Auction to be held on September 24, 2016, along with the set-up date of September 23, 2016 and

**WHEREAS**, the Sardinia Town Board has approved this request and recommends approval by the Sardinia Town Board, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board hereby approves the St. Jude's Altar Rosary Society the use of the Sardinia Town Hall gym on the day of September 24, 2016 and for set-up on September 23, 2016 pending an updated copy of their Certificate of Insurance, and

**BE IT FURTHER RESOLVED**, the Sardinia Town Board hereby waives the rental fee for this event and organization.

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

Supervisor Gambino stated that the Senior Citizens have planned a trip to Clymer and Conawango, NY, a Brown Bag Tour with the Amish, for Tuesday, May 24, 2016, at a cost of \$85.00 per person, including transportation, and are asking the Town for sponsorship of a portion of the cost. **On a motion by Hochadel, seconded by Earl, the Board agreed to pay a portion of the cost, not to exceed \$3,500.00. Carried, 5 ayes, 0 noes.**

The Supervisor stated that Chatfield Engineering has submitted a proposal for repair of the Town Hall façade and window and door replacements project that the Board budgeted for in the 2016 Budget. She stated she received it today, and asked the Board if they would like time to review it. Councilman Earl suggested a Work Session be held to discuss it and Councilman Quinn, being new to the Board, could be brought up to date at that time, also. Councilman Morrell agreed, stating the repairs cost a lot of money, and the roof project was an emergency, but this is not. The Board felt that the engineers should be in attendance, also. The Supervisor stated she would talk to Chatfield Engineering for some dates when they are available, and will get back to the Board with possible dates.

The Attorney for the Town, David DiMatteo, handed out a draft resolution to transfer the .20 acre property on Gale's Gale's Court from the Town to the Buttinos. He stated that the Town Board could adopt the resolution, which would then be subject to Permissive Referendum in order to satisfy the Title Insurance Company. He stated he is not particularly happy with the survey because it is not marked at the 4 corners, and he told the surveyor that he needs to come back and do that. He asked the Board to look at the draft resolution until last month, and hopefully the survey will be corrected by then, and he can then fill out the adequate consideration amount, which is the costs, including the Search, survey, transfer tax, etc. Mr. DiMatteo stated that the benefit of transferring the property is that it will come back on the tax roll, at no cost to the Town. Attorney DiMatteo stated he received a periodical concerning the use of cameras in the Town Hall, which has rules and policies on this use, and could provide protection for the Town. He stated that it would make sense to keep the recordings for 90 days, as per the Notice of Defects Law. He stated the Town needs to agree upon and adopt policies regarding these devices. Councilman Earl stated if the cameras belong to the Court, don't they have procedures and policies? Mr. DiMatteo stated he had spoken with the OCA, Office of Court Administration, and they do not have procedures and policies, and they also have absolutely no problem with us using them and that they are here for the Town. He stated that he feels the Town Board needs to come up with protocol, and they should afford the Town a lot of protection. He suggested that we contact our Insurance Agent to let him know we have them, and he may have some ideas on policy. He stated it may decrease the Town's insurance premiums and protect the Town in the event of a slip and fall injury, or a criminal mischief incident. He stated the Judges had no problem with the Town having access to the camera feed, and the Supervisor stated she had spoken to both judges, and they had stated they had no problem when she spoke to them. Ms. Earl stated that is not the impression she got. Councilman Morrell stated he would like to see policies hashed out.

**Councilman Earl then made a motion to go into Executive Session to discuss personnel issues. The motion was seconded by Hochadel, and carried, 5 ayes, 0 noes. The Board then moved into Executive Session at 6:57 PM.**

**On a motion by Earl, seconded by Hochadel, and carried, 5 ayes, 0 noes, the Board came back into Regular Session at 7:15 PM.**

Councilman Earl stated that the Board had voted in Executive Session to replace the DiMatteo Law firm as Town Prosecutor, and appointed Michael Klima of Orchard Park Town Prosecutor. She stated this is only as Prosecutor, nothing to do with Town Attorney. She then stated that the Town Clerk should change the January Organizational meeting minutes to reflect that appointment. The Clerk stated she could not change the minutes of that meeting, but it

would be reflected in these minutes. **Therefore, on a motion by Earl, seconded by Morrell, the January 14, 2016 Organizational and Regular Meeting minutes were approved as submitted. Carried, 5 ayes, 0 noes.**

A motion was made by Earl, seconded by Quinn to adjourn. The Town Clerk stated that the Board needs to vote on the Town Prosecutor appointment in open session and that votes cannot be taken in Executive Session unless minutes are being taken. **Therefore, on a motion by Earl, seconded by Morell, Michael Klima was appointed as Town Prosecutor, to replace the David DiMatteo, LLC lawfirm as Town Prosecutor. Upon roll call vote, Earl, aye, Hochadel, no, Morrell, aye, Quinn-Stojek, aye, Gambino, no. Motion carried, 3 ayes, 0 noes.**

**There being no further business to come before the Board, on a motion by Earl, seconded by Hochadel, the meeting was adjourned at 7:20 PM. Carried, 5 ayes, 0 noes.**

Respectfully Submitted,

Town Clerk