

2-12-15 – 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
6 guests

The Sardinia Town Board held its Regular Town Board meeting for February on February 12, 2015 at the Sardinia Town Hall/Community Center. Supervisor Gambino called the meeting to order at 6:30 PM with the Pledge to the Flag, led by Veteran Tony Korcz.

The minutes of the December 11, 2014 Regular Board meeting, with corrections/additions as requested by Councilman Montgomery were submitted by the Deputy Town Clerk, and the January 8, 2015 Organizational Meeting and the January 8, 2015 Regular Meeting, were submitted by the Town Clerk. **All were approved on a motion by Earl, seconded by Hochadel, and carried, 5 ayes, 0 noes.**

Warrant #2 of 2015, including vouchers #795 through #881, totaling \$111,106.16, of which the General Fund was \$53,476.65, the Highway Fund was \$20,168.05, the Lighting District Fund was \$1,341.03, and the Fire District Fund was \$36,120.43, was approved for payment on a motion by Hochadel, seconded by Morrell, and carried, 5 ayes, 0 noes.

Departmental Reports:

Councilman Morrell thanked the Fire Company and the Highway Dept. for their good job during all the bad weather we have had this month. He also reported that he had spoken to Mark Bray concerning the Highway Employees contract and they are happy with it, and he stated the Board could take action on the contract this evening. Mr. Morrell also stated that the elevator is out of order, but not much can be done about it until roof repairs are made. He stated that the Town Engineer had come to look at it. The Supervisor stated she, the building Caretaker Al Hansen, the Highway Superintendent, and an insurance adjuster from NYMIR, had met with Town Engineer Paul Chatfield, who brought along an architect, Rob Wolf, to look at the roof, but it was coldest and iciest day of the year, and they couldn't get out onto the roof to inspect it, but looked in the attic and elevator shaft and saw water damage, and are not sure if it is a low spot, or a seam separation to blame. She stated she had done some research and found that that portion of the roof was last repaired in 1988 with a Carlyle system, which included new rubber, 2 inches of insulation, and ballast. She stated that the ballast has deteriorated and is all gone. The Supervisor also noted that the gym level of the roof had been repaired in 2003 by Solamar roofing. She stated that the Engineer and architect will be coming back in the near future when the weather is better and will tell us what needs to be done. She stated that they have been very helpful, and they reported that the stonework on the front of the building, as well as one window, and the bricks on the back of the building, need to be repaired. She stated that the insurance company will keep the claim open for the elevator repair, and they will need pictures. The Highway Superintendent stated he had patched the roof, but it probably needs to be done again. The Supervisor stated that they have discovered that the roof is made with 2 X 4's. She stated that nothing can be done until the weather warms up.

Councilman Montgomery reported that he got 3 prices for water testing, as follows:

Erie County Health Dept.	\$37.49 per well
Test America	\$8,280.00 for 60 wells
Willey Well Drilling	\$100.00 each well

Mr. Montgomery stated that if the Town decided to go with the Erie County Health Dept., he would pick up the sample bottles, collect the samples and take them to the lab. He stated there would be mileage involved. The test sampling was discussed, including test parameters. Mr. Montgomery stated that the last time the Town did sampling, there were only 13 wells done. He also stated the testing would not be done until April at the earliest. Councilman Earl stated she had no problem going with the County Health Dept. Supervisor Gambino stated that nitrates, if tested for, would not show up in a deep well. Attorney DiMatteo felt that the Town could request the DEC's test result records from the Landfill, and may want to think about doing 2 rounds of testing at different times of the year. **On a motion by Earl, seconded by Morrell, the Board voted to go through the Erie County Health Department for the water testing program. Carried, 5 ayes, 0 noes.**

Councilman Hochadel reported that he had attended the Springville Control Center Board meeting and they have new computers, 1 installed, and 1 will to be installed shortly. The Supervisor noted that the Town's dispatch cost is down this year. Councilman Earl stated that East Aurora Control Center may be more economical, but there was a tower problem, and she was not sure if that had been resolved, but suggested that the Town may want to shop around for dispatch services. She also noted that Springville Control's budget is done in June, and it was noted that the Town would have to let them know 90 days before their budget is done whether or not the Town would be continuing to use Springville dispatch services. Jim Wiedemann stated that Springville Control may be picking up other towns next year, which would help to reduce Sardinia's cost. He also informed that of the 4 dispatchers that went from Helmuth Control to Evans Control, 2 have already quit, the other 2 are in the process of quitting Evans. The Supervisor noted that \$35,000.00 was budgeted this year for our Fire Dispatch, and the actual cost was \$31,584.91. Councilman Hochadel also reported that the Pioneer School Board voted to have the Veteran's tax exemptions applied to the school tax, and he stated he was unsure if any paperwork is necessary for Veterans to receive the exemption. The Town Clerk stated she had calls about that, and the Assessor informed that those having a Pro Rata exemption would have to fill out a form, but those with Alternative Veterans exemptions would automatically get the exemptions. She suggested that anyone wanting to know if they need to file anything should call the Assessor's office to make sure.

Councilman Earl reported that she had followed up with Hometown Fire Fighters Gene Heater concerning the LOSAP Program. She stated that she had emailed the Fire Company President, and he sent the firemen's points. She did have a question on the life insurance, and stated that there are 3 new firemen to be added to the policy. Her question was whether the Town reports those additions to the policy, or if the Fire Company does; the Supervisor stated that at the bottom of the sheet, it states that it is the responsibility of the Fire Company to report. **The Supervisor stated that the Board needs to approve the points, and on a motion by Gambino, seconded by Hochadel, the Firemen's points earned in 2014 were approved, carried 5 ayes, 0 noes.**

Supervisor Gambino stated that this afternoon, she received a request from Chris Warner for the use of the gym for a birthday party for his son on March 7th from 4PM until 6PM. She stated Mr. Warner's Certificate of Insurance is on file with the Town. **On a motion by Earl, seconded by Hochadel, Mr. Warner was given permission to use the gym on that date. Carried, 5 ayes, 0 noes.**

The Supervisor stated that the Recreation department will be holding a sledding event on Saturday, February 21st at the Genesee Rd. Park, and there will hotdogs, hot chocolate, and s'mores. They are asking that those coming call either Chris Warner or Betsy so they know how many to plan on. Also, she reminded that there is Dancefit in the gym on Thursday evenings, including tonight. Supervisor Gambino stated that Tammy George-Stevenson, of Rt. 39, our Dancefit instructor, would like to use the gym to hold a benefit for Holly Todd, a friend with a devastating illness, and would like permission to use the building on March 28th, from 1 PM until 3 PM, and will submit a Certificate of Insurance. **On a motion by Hochadel, seconded by Earl, permission was granted for Tammy George-Stevenson to use the gym on that date. Carried, 5 ayes, 0 noes.** The Supervisor informed that the Town did not receive CDGB grant funding for the pool house, and gave a list of those municipalities and projects which were funded.

The Supervisor stated that Disaster Coordinator Gerry Whittington is in Florida, but called and informed that FEMA will be here next week, and is hoping that the Town will be getting reimbursed for some of the Highway Dept. and Fire Company's expenses from the November storm. He needs some further documentation from the Highway Superintendent, which will be forthcoming.

The Highway Superintendent, Donald Hopkins, reported that his department has done a lot of plowing and sanding and salting this winter, but he is in good shape with salt, with 100 tons of salt in reserve at the County Barns. He also reported that he has received a check in the amount of \$20,740.00 for the 2 surplus trucks that were sold on Auctions International. He stated that both have been picked up and driven off, with the pickup going to Syracuse, and the 4 X 4 going to Jamestown.

Councilman Earl stated that the Historical Society contract needed action for renewal. Supervisor Gambino stated that it was renewed back in October, and is on the Warrant for payment tonight.

The Highway Superintendent wanted to add that there are potholes popping up everywhere, and the frost is getting into the roads, and cautioned people to be careful driving.

Councilman Hochadel stated that since there is a full Board this evening, he would like to re-visit the "TRUST" LAW. (See Resolution #2 of 2015). **Mr. Hochadel made a motion to bring the matter to a vote on the Law to Repeal the "TRUST" Law, and the motion was seconded by Morrell, with Earl and Montgomery voting no, and Hochadel, Morrell, and Gambino voting aye.** Councilman Montgomery asked Attorney DiMatteo if he had read the "TRUST" Law, stating it was a one-time deal, and felt this was a vote on nothing. Attorney DiMatteo stated he had read it, and the phrase that the State Comptroller's Office took exception to was that the Local Law would expire unless renewed by the Town Board in its sole discretion. Mr. DiMatteo stated that the Comptroller's Office contends they attempted to notify the Town that the Law was a violation of the NYS Constitution, and that it was passed illegally. After further discussion, **Councilman Hochadel made a motion, seconded by Councilman Morrell, to adopt Local Law #1 of 2015, to Repeal Local Law #3 of 2013, the "TRUST" Law. Upon roll call vote, Earl, no, Hochadel, aye, Montgomery, no, Morrell, aye, Gambino, aye. Local Law #1 of 2015 was adopted, with 3 ayes, 2 noes.**

Supervisor Gambino stated that the next item was to approve the new 3 year contract with the Highway Employees Association. She stated she thinks we have a good bunch of employees, and a good contract. **On a motion by Hochadel, seconded by Morrell, the new Working Agreement By and Between the Town of Sardinia and the Sardinia Highway Employees' Association for the years 2015, 2016, and 2017 was approved and accepted, carried, 5 ayes, 0 noes.**

Supervisor Gambino stated that the next item was a resolution for approval of the Shelter Lease Agreement with the Town's Dog Control Officer, Duane Degolier. The following resolution, to be known as Resolution #7 of 2015, was then moved for adoption by Gambino, seconded by Morrell:

**RESOLUTION #7 - 2015
APPROVAL OF SHELTER LEASE AGREEMENT WITH
DOG CONTROL OFFICER**

WHEREAS, the lease entered into between the Town and Mr. Duane DeGolier to provide care and shelter to dogs seized by the Town's Dog Control Officer expires on or about March 8, 2015;

WHEREAS, the Sardinia Town Board has received an reviewed a copy of the current lease; and

WHEREAS, the Town has been satisfied with the services provided by Mr. DeGolier and approves the lease as stands, and;

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to execute the Shelter Lease Agreement between the Town of Sardinia and Mr. Duane DeGolier for the services to provide care and shelter to dogs seized by the Dog Control Officer.

Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved.

The Supervisor stated that the next resolution is the agreement between the Town and the Youth Baseball Little League for 2015. The resolution, to be known as Resolution #8 of 2015, was then moved for adoption by Gambino, seconded by Earl:

RESOLUTION #8 - 2015
APPROVAL OF CHAFFEE-SARDINIA LITTLE LEAGUE AGREEMENT

WHEREAS, the Chaffee-Sardinia Little League has again requested to enter into contract with the Town of Sardinia to provide services to the Town in regards to a little league team, and

WHEREAS, the Town has been satisfied with the services provided by Chaffee-Sardinia Little League, and

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to execute into a contract with the Chaffee-Sardinia Little League in the amount of \$2000.00.

Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved.

The Supervisor stated that the last resolution is to grant permission to the Little League to use the room between the restrooms at Manion Park for storage of some of their equipment. The Highway Superintendent stated he wasn't sure the equipment would be safe in that room due to the possibility of vandalism at the Park, and after discussion, Attorney DiMatteo suggested that a "hold harmless" clause be added to the contract between the Town and the Little League for the equipment. The following resolution, to be known as Resolution #9 of 2015, was then moved for adoption by Earl, seconded by Hochadel:

RESOLUTION #9 - 2015
APPROVAL OF CHAFFEE-SARDINIA LITTLE LEAGUE TO USE CLOSET AT MANION PARK

WHEREAS, the Chaffee-Sardinia Little League has requested permission to use the small closet located between the men's and woman's bathrooms at Manion Park, and

Whereas, the Chaffee-Sardinia Little League coaches believe keeping the equipment on the premises is ideal, as it puts less wear and tear on the equipment, and

Whereas, the Sardinia Town Board will be held harmless for any damage, theft or loss of baseball equipment from storage of said equipment at Manion Park, and

NOW, THEREFORE, BE IT RESOLVED, that the Sardinia Town Board authorizes the Chaffee – Sardinia Little League to use the closet at Manion Park.

Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved.

Attorney for the Town David DiMatteo reported that, concerning the Diamond Saw Works assessment challenge lawsuit, he stated that on January 28th, he, Assessor Hornberger, and the appraiser all did an inspection of the property. He stated that the building is old, but well cared for, the crane height is limited for industrial purposes, and there is significant acreage with the property. Attorney DiMatteo stated that he has spoken to the Pioneer School Superintendent Dr. Huff, and asked if the School District is interested in chipping in on the defense of the lawsuit, considering any reimbursement to Diamond Saw would come from the School District and the County, since the Town has no tax. He stated that neither the School nor the appraiser have gotten back to him on the matter. The Attorney stated he has spoken to the Board members about the Zielonka lawsuit, which continues in the Court system, and he expects to hear more in the coming weeks. That concluded his report.

There being no further business to come before the Board, on a motion by Morrell, seconded by Gambino, the meeting was adjourned at 7:08 PM. Carried 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk