

**3-13-2014 – REGULAR BOARD MEETING**

Present:

Councilman Cheryl L. Earl  
Councilman Lenard R. Hochadel  
Councilman David L. Montgomery  
Councilman Douglas J. Morrell  
Supervisor Beverly Gambino

Also Present:

Highway Superintendent Donald W. Hopkins  
Attorney for the Town David DiMatteo  
Town Clerk Betsy A. Marsh  
Approx. 20 guests

The Sardinia Town Board held its Regular Town Board meeting for March on March 13, 2014 at the Sardinia Town Hall/Community Center. Supervisor Gambino called the meeting to order at 6:30 PM. She asked if there was a Veteran present who would like lead the Pledge to the Flag. Councilman Hochadel then led the Pledge, and a moment of silence followed.

The minutes from the February 13, 2014 meeting were submitted by the Town Clerk. A motion was made to approve by Councilman Earl, seconded by Councilman Morrell, and carried, 5 ayes, 0 noes.

Committee and Department Reports:

Councilmen Earl reported that she has received three quotes for porta-potties for the summer. She stated we get two, one for Veteran's Park, and one for behind the Town Hall for use during Little League Baseball season, which starts in April. The quotes are as follows:

Royal Flush	\$68.00 per unit, no delivery charge
Blue Moon	\$75.00 per unit
Zueches	\$72.00 per unit

**On a motion by Hochadel, seconded by Montgomery, Royal Flush will be contacted to provide 2 rental porta-potties for the Town for the Spring/Summer season. Carried, 5 ayes, 0 noes.**

Councilman Earl stated she is working on the Pool Safety Plan, which needs to be updated for the County. Concerning Youth Board business, applications are coming in for WSI's, lifeguards, and recreation attendants, and she anticipates doing interviews during Spring break in April. She stated they are also working on scheduling a filed trip for Summer Rec.

Councilmen Hochadel reported that he has contacted 5 different people for quotes on the replacement of the "Welcome to Sardinia" signs at the Sardinia signs coming into the Town, and stated that he has not heard back from any of them yet. He stated he has been contacted by Bill Hopkins, who is a member of the Board of Directors for the Erie County Fair, and Mr. Hopkins has informed that there is a 1947 panel van advertising the Fair, and the fact that this is the 175<sup>th</sup> anniversary of the Erie County Fair. Mr. Hochadel stated that the van is available for events, for example, parades, and could be used by the Legion, Fire Company, Historical Society, etc. He stated they are also giving away 17,500 wooden nickels, which allow free admission to the Fair. Councilman Hochadel stated anyone interested in using the van should contact Bill Hopkins and the Erie County Fair Board as soon as possible to schedule its use.

Councilmen Morrell reminded that the Defensive Driving course through AARP is scheduled for April 29<sup>th</sup> and 30<sup>th</sup> from 6 to 9 PM both nights, and those who sign up must attend both nights. Mr. Morrell also stated he has been looking into pricing on time clocks, and at Office Max, the price for 2 units was \$1,059.00. He found one at Sears that is on sale for \$158.00 per unit, is a finger touch, easy to set up, and there is a hot line to call with problems. On a motion by Morrell, seconded by Hochadel, the Board voted to buy 2 of these units, one for Town Hall and one for the pool, at \$158.00 each. Carried, 5 ayes, 0 noes.

Councilmen Montgomery reported that the Erie County Water Quality Committee meeting was canceled due to bad weather. He also stated that he met with RG&E, now part of NYSEG, concerning the proposed streetlights at the intersections of Foot and Pratham Roads, and Davis Hill and Pratham Rd. Mr. Montgomery stated that the lights themselves will cost \$19.00 per month each, but 350 feet of cable and a pole will be needed for each intersection, and he is waiting for a quote from the electric company for that expense, and hopes to have it by next month. He also notified of a scam that is going on where you get an e-mail, supposedly from Time Warner asking about your Roadrunner account, asking for personal information. He stated it is a scam and has turned it over to the Erie County Sheriff's office.

Highway Superintendent Hopkins reported that he has had to put up more sand & salt mix, which was the same price as at the beginning of the season. He also stated they have had some minor break downs, but have been able to make the repairs themselves. He stated he still needs to update the pickup truck, and suggested the Board could perhaps have a Work Session at the Highway Barn and inspect the equipment themselves, maybe on a Saturday morning in the spring. Mr. Hopkins stated that last year, he sold the old roller on Auctions International, to a gentleman from Long Island. He stated that the man paid for the roller, but has never made arrangements to pick it up, as was specified. He stated he has called the man several times, but the roller is still in the Highway garage yard. He stated it is his understanding that after 10 business days, ownership reverts back to the Town. Mr. Hopkins stated he does not want to work around the roller again this year, and would like to send it to Preivity's for scrap. He asked Attorney DiMatteo what the Town's legal rights are. Attorney DiMatteo stated Mr. Hopkins should notify him again, in a letter sent Certified Return Receipt mail, give him 10 days, then dispose of the equipment. He stressed that Mr. Hopkins should make sure to notify him. Highway Superintendent Hopkins then asked about the Town's leash law as it pertains to the Town Parks. He stated that the owners are not cleaning up after their dogs, and there is dog feces everywhere. He asked if the Town could put up signs warning that anyone caught not cleaning up after their dog would be fines. The Board agreed that signs should be placed in the Parks. Concerning the

Certified Pool Operator, Mr. Hopkins stated that back in the 1990's, he was certified, along with the former Highway Superintendent. Mr. Hopkins stated he is now the only one, and been notified that there is a 14 to 16 hour course being given by Beauty Pools on April 7 & 8 in Amherst, at a cost of \$295 per person. He stated he thinks the Town should have at least one other Certified Pool Operator, and asked if the Board would be willing to send someone. The Supervisor asked who Mr. Hopkins would like to send. Mr. Hopkins stated perhaps his Deputy Highway Superintendent, Robert Hutchinson. Building Caretaker Al Hansen stated he would also be willing to take the training. Councilman Morrell felt the Town should send two people, the rest of the Board felt one other would be enough. All were in agreement that who attended the training should be at the Highway Superintendent's discretion. **On a motion by Earl, seconded by Hochadel, the Board agreed to send 1 person, at Mr. Hopkins' discretion, to become a second Certified Pool Operator. Carried, 5 ayes, 0 noes.**

Attorney for the Town David DiMatteo was on hand to advise the Board on several subjects. Mr. DiMatteo stated there was a question by the Highway Superintendent about alternate bidding processes. He stated there is now legislation to allow municipalities to "piggyback" on bids received by neighboring municipalities, if the price of the service, equipment, material, supplies or maintenance agreement is to the municipality's liking, and the seller has it available. Mr. DiMatteo stated this can be done by Board resolution. He stated that the "Best Value" bid, which requires a local law to allow, is done on a points system, instead of just the cost, giving points for such things as where the bidder is located, preference for brand, etc. He stated the Board would have to decide how to award the points, and the point system would need to be written into the Town's Procurement Policy. Mr. DiMatteo stated he would put together a new Procurement Policy for the Town, and also suggested that a Town credit card be secured, which would also be in the Procurement Policy. That was discussed briefly. The Board felt he should work on the Procurement Policy, as well as the Value Bid and Piggybacking procedures. Concerning the Tri-County Business Park, Attorney DiMatteo stated he is trying to catch up on that project, and stated that the part in the process that is now up to the Town Board is the Re-Zoning issue for the Hutchinson Rd. townhouses. He stated that identifying the exact parcel for the Re-Zoning has been the difficulty, and going through everything, nowhere is there a metes and bounds description of the parcel, or even a Section/Block/Lot number. He stated that the Engineer for Mr. Koch has provided a map, but he is confused as to exactly what parcel it is since there is no legal description. Attorney DiMatteo stated he has looked at all of the submittals and thought that this was the parcel, but Mr. Koch has informed him that his is wrong. He stated that it is the Town's obligation to make a referral to the County Planning Dept. under Section 239-m of the Municipal Home Rule Law as well as notifying the others in the area of the proposal to re-zone, but needs those descriptors. He stated that perhaps this parcel should have been re-zoned when the new Zoning Ordinance was put in place, but was not. The Planning Board Chairman, Robert Hill, was in the audience and explained that the parcel in question was purchased after the process had already started and that's why it was not included in the original re-zone. He stated the Planning Board was already to give him the approval to go ahead when it was realized that this parcel was not zoned correctly for apartments or townhouses. Mr. Hill stated that the sewer & water will be in the Business Park itself, not on this parcel. Mr. DiMatteo stated he has also sent a letter to the State and County Health Departments and the DEC and they need to respond that the Sewer and water plants are built in accordance with their specifications and with the same integrity as their systems so that it could someday be integrated with their systems if they were to come out and want to hook in. Attorney DiMatteo stated he had wanted the Board to be able to schedule a Public Hearing on the Re-Zoning tonight for next month's meeting, but Mr. Koch is telling him he is wrong about the parcel needing to be Re-Zoned. He stated it makes perfect sense to Re-Zone the parcel, but he needs a better legal description. He stated the Town cannot approve the formation of his corporations until they are sure of the Health Dept. and DEC approvals of the water & sewer engineering, as he stated.

Supervisor Gambino reported that she has met with a representative from WNY Meals on Wheels. She stated she has found out that there is a meals drop off at the Winkey Agency in Springville, and that everyone from Sardinia who were already being served the meals is still being served. The Supervisor stated there has been a questions about pay for attending training sessions by the Zoning Board of Appeals and the Planning Board. She stated that apparently at one time, the Board had agreed to pay those individual members 1 Meeting's pay for every 4 hours of training they attend. She stated that nothing could be found in the minutes of any formal action, and stated she felt the Board should take formal action on it if they still feel this should be done. **On a motion by Earl, seconded by Morrell, the Board agreed to make it Town Policy to pay members of the Zoning Board of Appeals and the Planning Board 1 Meeting's pay for every 4 hours of training. Carried, 5 ayes, 0 noes.** Supervisor Gambino reported that the new computers have been ordered but have not been received yet. She also reminded that on Sunday March 16<sup>th</sup>, the annual Kiwanis/Fire Company all "you can eat" pancake breakfast, benefitting the Fire Company, will be held at the Sardinia Fire Hall from 8 AM until 1 PM.

**Warrant #3 of 2014, including vouchers #101 through #159, totaling \$38,105.70, of which the General Fund was \$21,115.92, the Highway Fund was \$15,926.33, and the Street Lighting was \$1,063.45, was approved for payment on a motion by Earl, seconded by Montgomery, and carried, 5 ayes, 0 noes.**

Supervisor Gambino stated that the next resolution is for approval of the annual software support contract for the payroll and municipal accounting software programs. The following resolution, to be known as Resolution #17 of 2014, was then moved for adoption by Earl, seconded by Morrell:

**RESOLUTION #17 - 2014  
APPROVAL OF SOFTWARE CONTRACT**

**WHEREAS**, the Sardinia Town Board has previously approved the purchase of the Williamson Law Book software for payroll and for Municipal Account, and

**WHEREAS**, an annual contract must be approved for support for these software programs, and

**WHEREAS**, the cost of the Payroll software program for one year is \$770.00 and the cost of the Municipal Accounting software program for one year is \$825.00, and

**NOW, THEREFORE, BE IT RESOLVED**, the Sardinia Town Board hereby approves the payment of \$1595.00 to William Law Book Company for the software support for one year on both the Payroll and the Municipal Accounting programs, and

**BE IT FURTHER RESOLVED**, that the Sardinia Town Board approves Supervisor Beverly Gambino to enter into contract with Williamson Law Book Company for this agreement.

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

Supervisor Gambino stated that the next resolution is to approve the Dog Shelter Agreement for 2014 between the Town and the Dog Control Officer, Duane DeGolier. She stated there are no changes from last year's agreement. The proposed resolution, to be known as Resolution #18 of 2014, was then moved for adoption by Montgomery, seconded by Morrell, as follows:

**RESOLUTION #18 - 2014  
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, 2012;

**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.**

Supervisor Gambino stated that the Town has received a letter from the Firemen looking for sponsors to pay a portion of the fireworks at their annual Carnival. The Supervisor noted that the letter states the fireworks costs the Company about \$5,000.00. She asked the Board their feelings on the matter. Councilman Earl stated we have a contract with the Fire Company, as well as the Historical Society and the Little League. She stated that the others don't come and ask for the Town to help pay for their fundraisers on top of their contractual payment. She stated she hates to start that precedent. Councilman Morrell stated that we gave them money last year for the fireworks, and moved that the Town give them \$3,000.00 this year toward them. Councilman Montgomery asked why should Town taxpayers have to guarantee a Not for Profit organization a profit? He stated he has talked to taxpayers who would rather get another rebate this fall than to see their tax dollars go up in smoke. Councilman Hochadel stated he would go with Councilman Morrell for the \$3,000.00. **On a motion by Morrell, seconded by Hochadel, the Board voted to give the Fire Company \$3,000.00 towards the annual fireworks. Councilman Morrell, Councilman Hochadel, and Supervisor Gambino voted aye; Councilman Earl and Montgomery voted no. Motion carried, 3 ayes, 2 noes.**

Supervisor Gambino stated there are 3 appointments that need to be made, and were as follows.:

**APPROVAL OF NEW APPOINTMENTS**

**Moved by Earl, second by Montgomery, that Danielle Scott be appointed Pool Director for the 2014 Summer Recreation Season, at the hourly rate of \$13.59. Carried, 5 ayes, 0 noes.**

**Moved by Earl, second by Morrell, that Michelle Jones be appointed to the position of Supervisor's Bookkeeper/Confidential Secretary at the hourly rate of \$16.73. Carried, 5 ayes, 0 noes.**

**Moved by Earl second by Montgomery, that Mark Stevens return in early to mid-April 2014 as a Seasonal Caretaker at the hourly rate of \$14.26. Carried, 5 ayes, 0 noes.**

**Supervisor Gambino stated that the Board needed to move into Executive Session with the Attorney for the Town to discuss potential litigation. On a motion by Earl, seconded by Hochadel, the Board moved into Executive Session at 7:37 PM. Carried, 5 ayes, 0 noes.**

On a motion by Montgomery, seconded by Earl, the Board resumed regular session at 8:18 PM. Carried, 5 ayes, 0 noes. The Supervisor stated that no action had been taken.

There being no further business to come before the Board, on a motion by Councilmen Earl, seconded by Councilmen Hochadel, the meeting was adjourned at 8:19 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Betsy Marsh, Town Clerk

