

3-12-2020 – MARCH REGULAR BOARD MEETING

Present:

Councilwoman Jamie Emmick
Councilman Mike Domster
Councilman Leonard R. Hochadel
Councilman John D. Marsh
Supervisor Beverly A. Gambino

Also Present:

Attorney David DiMatteo
Highway Superintendent Donald Hopkins
Town Clerk Jennifer L Bray
Approx. 25 guests

Supervisor Gambino called the Regular March meeting to order at 6:44 p.m. immediately following the public hearings regarding the adoption of the Town of Sardinia Code Book.

Supervisor Gambino stated that the first item on the agenda was for approval of the minutes from February 10th, 2020. Supervisor Gambino noted that there were three sets of minutes to be approved. The first was for the Public Hearing for the proposed tree removal law. The second was for the Public Hearing for the proposed amendments to the solar zoning and the third set of minutes was for the Regular February Board meeting. **On a motion by Marsh, seconded by Domster, 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. **Warrant #3 of 2020, including vouchers #91 through #165, totaling \$356,061.26, of which \$46,294.95 was for the General Fund and \$38,640.81 was for the Highway Fund, \$270,049.14 was for the Fire Protection Fund and \$1,076.36 was for the Street Lighting Fund. On a motion by Hochadel, seconded by Emmick, the Warrant was approved for payment. Carried, 5 ayes, 0 noes.**

Supervisor Gambino asked Attorney David DiMatteo to speak first. Mr. DiMatteo stated that he was hired to help the Town navigate the Article 10 process and that he has no other interest in this project other than that. Mr. DiMatteo then introduced Engineer Drew Reilly from Wendel. Mr. Reilly thanked the Town for hiring him and gave the board members his card which included the website that has the Article 10 proceeding on it and the project/case number on it. The website is <http://documents.dps.ny.gov> and the project/case number is 19-F-0602. Mr. Reilly went on to explain different aspects of Article 10 and some of the steps involved in the Article 10 process such as securing property leases before the project actually begins, the length of time that these projects can take, the different phases that the projects go through such as the Scoping Phase and Intervenor Funds available through Article 10. He noted that not all projects will continue to move forward through the process of Article 10. It was also noted that there are no approvals that will come from the Town in Article 10 it is all decided by the State. Eugene Monaco of Allen Rd. Chaffee asked if there is a financial benefit to the Town. Mr. DiMatteo stated that the proposed amendment to the current solar zoning would allow for the Town to enter in a host agreement with the solar company. If this is not done then the Town would get nothing. Mr. DiMatteo also stated that the other important thing that has to be done is receiving comments on concerns so that these concerns can be addressed before the project is approved. Attorney DiMatteo also advised the Board and the guests about multiple items regarding Article 10 projects and concerns that may need to be looked at. Attorney DiMatteo then reviewed the Full Environmental Assessment Form Part 2 relating to a proposed local law to amend the current zoning regarding solar energy systems with the Board. Supervisor Gambino asked the Board if they have any questions or concerns with the assessment form. There were none. Attorney DiMatteo then read the following resolution, to be known as Resolution #15-2020 a resolution to adopt a local law amending the solar zoning ordinance of the Town of Sardinia and requested that if there were no questions or comments that a motion be made to adopt this resolution and local law. **Therefore the following resolution, to be known as Resolution #15 of 2020, was moved for adoption on a motion by Marsh, seconded by Hochadel:**

**RESOLUTION #15 – 2020
A RESOLUTION RELATING TO THE PROPOSED LOCAL LAW ENTITLED "AMENDING THE
ZONING ORDINANCE OF THE TOWN OF SARDINIA, CHAPTER 115, ARTICLE 6 REGARDING
SOLAR ENERGY SYSTEMS" IN THE TOWN OF SARDINIA**

The Town Board of the Town of Sardinia met at a regular board meeting at the Town Offices of the Town of Sardinia, New York on the 12th day of March, 2020, commencing at 6:30 p.m. and the following members were:

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board of the Town of Sardinia is considering two drafts (Draft A and Draft B) a proposed local law, entitled "Amending the Zoning Ordinance of the Town of Sardinia, Chapter 115,

Article 6 Regarding Solar Energy Systems”, to regulate large and small scale solar projects within the Town of Sardinia; and

WHEREAS, the Town of Sardinia recognizes that solar energy is a clean, readily available, and renewable energy source and that development of solar energy systems offers an energy resource that can act to attract and promote green business development, with the proper permitting; and

WHEREAS, the Town Board of the Town of Sardinia did refer said drafts of proposed local law to the Erie County Department of Environment and Planning pursuant to sections 239-l and 239-m of the General Municipal Law; and

WHEREAS, the Erie County Department of Environment and Planning did review said proposed drafts of local law and recommended Draft B be adopted over Draft A and took the following action: no recommendation, proposed action has been reviewed and determined to be of local concern, a copy of the reply is attached hereto as Exhibit A; and

WHEREAS, the Town Board did hold a public hearing on February 10, 2020, to consider the adoption of said local law; and

WHEREAS, the Town Board has sought Lead Agency status for purposes of the State Environmental Quality Review Act (hereinafter “SEQRA”) review of said project, by resolution dated January 9, 2020, and through a Notice of Intent to Act as Lead Agency, advised the potentially involved or interested agencies; and

WHEREAS, the Town Board has received no objections to acting as Lead Agency and hereby establishes themselves as SEQR Lead Agency; and

WHEREAS, the Town Board has reviewed the EAF, comments and input received from Erie County, the public and the Town’s Consultant, and has completed parts 2 and 3 of the full EAF; and

WHEREAS, the Town Board in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed local law will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and has determined that the proposed local law will result in no significant adverse environmental impacts; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Sardinia to adopt Draft B of the local law.

NOW ON MOTION OF Councilman Marsh which has been duly seconded by Councilman Hochadel, now therefore, be it

RESOLVED, that the Town Board of the Town of Sardinia hereby establishes themselves as SEQR Lead Agency; and be it further

RESOLVED, that the Town Board hereby issues a Negative Declaration and the Supervisor is authorized to sign Part 3 of the EAF which will act as the SEQR Negative Declaration, and be it further

RESOLVED, the Town Board hereby adopts Draft B as Local Law No. 1 of 2020 entitled “Amending the Zoning Ordinance of the Town of Sardinia, Chapter 115, Article 6 Regarding Solar Energy Systems”, to regulate large and small scale solar within the Town of Sardinia.

DULY ADOPTED, this 12th day of March, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Lastly Attorney DiMatteo advised the board that in the near future the Town will need to apply for the Intervener funds and gave a brief explanation of the Intervenor Funds and how much might be available. Mr. DiMatteo noted that the preliminary scoping document for the Genesee Road Solar project would be available for review on Friday March 13th. He noted that he would like to meet with the Planning Board to discuss this document and he would reach out to the Chairman to set this up.

Supervisor Gambino asked Emergency Manager Gerry Whittington to speak and give the Board and everyone a brief update on the current situation with the Coronavirus also known as COVID-19. Mr. Whittington noted that he would stay in contact with the Supervisor and Town Clerk and will send them information for the board. Mr. Whittington gave the following website for people to use to get the most up to date information www.erie.gov/covid19 . Lastly he noted that if the public had any questions or concerns for him that they could get them to the Town Clerk and she would pass them on to him.

Supervisor Gambino then asked Virginia Domes from the Historical Society to speak. Virginia showed everyone that the Historical Society had bags and pins made for the upcoming Town Bicentennial. She noted that the bags are for sale for \$5.00 and the pins are \$2.00 and they would be available in the Town Clerk’s office.

Supervisor Gambino stated that she was happy to report that the Town had reached its goal for the Roswell Park Blue Buffalo fund raiser and will be receiving a Blue Buffalo statue to display.

Superintendent Hopkins reported on a number of items including breakdowns of highway equipment and spring work that the Highway Department has begun doing. He noted that while sweeping roads they had a road broom break and asked the Board for permission to get quotes for a replacement broom. **On a motion by Emmick, seconded by Hochadel, Superintendent Hopkins was given permission to get price quotes for a new broom. Carried, 5 ayes, 0 noes.** Next Superintendent Hopkins noted that big trash pickup would be on April 21st. Lastly Superintendent Hopkins reported that the town pool would be opening June 21st. He requested that the Town Board send himself and two of the Highway Employees to a pool operator's class at a cost of \$275.00 per person and they would then have a five year license. **On a motion by Marsh, seconded by Emmick, Superintendent Hopkins was given permission for himself and two employees to attend the pool operator's class. Carried, 5 ayes, 0 noes.**

Councilman Emmick had nothing to report.

Councilman Hochadel reported that the posters are done and available for the concerts in the park.

Councilman Domster had nothing to report.

Councilman Marsh reported that he had spoke with the Arcade Electric regarding updating their street lights. Councilman Marsh stated that the cost was going to be more expensive then the updated lights being done by NYSEG. He noted that he was given a price of \$6000.00 for Rt. 16 and for the Hamlet of Chaffee. If just Rt. 16 was done it would cost \$4000.00. Councilman Marsh noted that as the lights go out they will be replaced with new LED lights anyways therefore it was agreed to hold off on replacing those. Councilman Marsh then reported that there is a section of Rt. 16 that is not currently light at all. He noted that the cost for Arcade Electric to extend their lines to cover that section would be \$12,500.00 and would include lights and poles. Councilman Marsh stated he would still need to get quote from NYSEG for extending their portion of lighting on all of Rt. 16. **On a motion by Emmick, seconded by Domster, the Board approved the extension of the Arcade Electric lights and gave permission to Councilman Marsh to contact NYSEG regarding an extension of their line. Carried, 5 ayes, 0 noes.**

Supervisor Gambino stated that the next item on the agenda was the local law and resolution to adopt the Code Book for the Town as it is with no changes. **Therefore the following resolution, to be known as Resolution #16 of 2020, was moved for adoption on a motion by Marsh, seconded by Domster:**

RESOLUTION #16 – 2020

RESOLUTION TO ADOPT LOCAL LAW NO. 2 - 2020

A LOCAL LAW AMENDING THE ZONING LOCAL LAW OF

THE TOWN OF SARDINIA, ERIE COUNTY, NEW YORK

Whereas, Local Law No. 2 - 2020 has been submitted to the Town Board 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 proposed Local Law has been carefully considered by the Town, and

Whereas, a Public Hearing was held on March 12th, 2020 permitting public comments in regard to 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.",

NOW, THEREFORE, be it

RESOLVED, Local Law 2 - 2020 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 fro the purpose of amending the Code Book of the Town of Sardinia.

DULY ADOPTED, this 12th day of March, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that the next item on the agenda was the local law and resolution to adopt the local law regarding removal of dead or diseased trees. **Therefore the following resolution, to be known as Resolution #17 of 2020, was moved for adoption on a motion by Emmick, seconded by Hochadel:**

RESOLUTION #17 – 2020

RESOLUTION TO ADOPT LOCAL LAW 3 – 2020 A LOCAL LAW REGARDING DEAD OR DISEASED TREES ON PRIVATE PROPERTY

WHEREAS, Local Law No. 3 – 2020 has been submitted to the Town Board to provide for removal of dead or diseased trees on private property within the Town of Sardinia, and

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

WHEREAS, a Public Hearing was held on February 10th 2020 permitting public comments in regard to the removal of dead or diseased trees on private property in the Town,

NOW, THEREFORE BE IT RESOLVED, Local Law No. 3 – 2020 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 March, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that the next item on the agenda was a resolution to approve the appointment of a new out of town fireman for the Chaffee Sardinia Fire Company. **Therefore the following resolution, to be known as Resolution #18 of 2020, was moved for adoption on a motion by Marsh, seconded by Hochadel:**

**RESOLUTION #18 – 2020
APPOINTMENT OF CHAFFEE-SARDINIA VOLUNTEER FIREMAN**

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

Mark R. Dobbins, 409 Genesee Road, Arcade, New York 14009

Who has applied for a volunteer position as a Volunteer Firefighter to the Chaffee-Sardinia Memorial Fire Company and,

WHEREAS, the Sardinia Town Board supports and approves this appointment of Mark R. Dobbins,

NOW THEREFORE, BE IT RESOLVED, that the Town Board approves the appointment of Mark R. Dobbins, Volunteer Fireman to the Chaffee-Sardinia Memorial Fire Department.

DULY ADOPTED, this 12th day of March, 2020 by the following vote: Domster aye, Emmick aye, Hochadel, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that the next item on the agenda was two proposals from MRB Engineering. One for the pool house at Veterans Park and one for the bathrooms at Manion Park. Supervisor Gambino noted that the cost in each proposal was for the cost of the engineering services only such the designs, bidding, dealing with the contractor and doing background checks on the contractors. Supervisor Gambino stated that the cost for the Pool House was \$12,800.00 and the cost for Manion Park was \$8,500.00. **On a motion by Marsh, seconded by Hochadel, the two proposals were accepted as submitted. Carried, 5 ayes, 0 noes.**

Supervisor Gambino asked the Board Members if they had anything else. Councilman Marsh asked if the building caretakers could get measurements of the new windows for him so that new blinds could be ordered. Supervisor Gambino noted that she would also reach out to Paul Chatfield about finding a commercial blind installer. Councilman Hochadel noted how good the renovations to the court room looked and that he has had many positive compliments on it. **There being no further business to come before the Board, on a motion by Marsh, seconded by Emmick, the meeting was adjourned at 8:01 p.m. Carried 5 ayes, 0 noes.**

Respectfully Submitted,

Town Clerk