

03-11-2021 – MARCH REGULAR MEETING

Present:

Councilman Mike Domster
Councilman Leonard R. Hochadel
Councilman Matthew Krist
Councilman John D. Marsh
Supervisor Beverly A. Gambino

Also Present:

Highway Superintendent Donald Hopkins
Town Clerk Jennifer L Bray

Approx. 13 guests in person
0 guests on Zoom

Supervisor Gambino called the Regular March meeting to order at 6:31 PM, with the Pledge to the Flag led by Bill Connors. Supervisor Gambino then held a moment of silence for Robert Hutchinson who recently passed away. Supervisor Gambino noted the Mr. Hutchinson was the bother in law of Highway Superintendent Hopkins and had served the Town as a highway employee as well as serving as the Deputy Highway Superintendent.

Supervisor Gambino stated that the first item on the agenda was for approval of the minutes from the February Regular 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 2021, including vouchers # 89 through # 150, totaling \$395,605.38 of which \$81,316.16 was for the General Fund, \$31,178.86 was for the Highway Fund, \$282,336.31 was for the Fire Protection Fund and \$774.05 was for the Street Lighting Fund. On a motion by Hochadel, seconded by Marsh, the Warrant was approved for payment. Carried, 5 ayes, 0 noes.**

Attorney David DiMatteo was in attendance to update the Board on the Solar Project and Comprehensive Plan. Mr. DiMatteo stated that the towns original solar law had been adopted before the large scale solar projects had begun. He noted that over the years the Town has had the need to update the law in order to protect the Town and its resources and that there was a need to update that law again. Mr. DiMatteo noted that New York State has updated their regulations regarding solar as well. Mr. DiMatteo stated that the Town Board would need to hold a public hearing regarding the two proposed local laws that he presented to the Board. This first was the revision to the current solar law and the second local law was in regards to battery backup and battery storage. Mr. DiMatteo then explained that SEQRA needed to be done for both of these laws but noted that there is no environmental impact from passing a local law. Mr. DiMatteo noted that a under General Municipal Law there were a number of agencies that will need to be notified as well which are listed in the SEQRA resolution. Planning Board Chairman Nancy Spink stated that the law has minimal changes and gives better definition to requirements for solar projects. Mr. DiMatteo cautioned against making the law too restrictive as the solar company could choose to go with less restrictive State Laws over the Town laws. There was a brief discussion regarding date and times for the Public Hearings. **On a motion by Marsh, seconded by Krist, the Public Hearing for Local Law #1 of 2021 amending the current Solar Law and Local Law #2 of 2021 Regulating Battery Energy Storage Systems was set for Monday April 12th 2021 at 6:30pm and 6:45pm respectively. Carried, 5 ayes, 0 noes.** After another brief discussion the following resolution was moved for adoption. **Therefore the following resolution, to be known as Resolution #11 of 2021, was moved for adoption on a motion by Marsh, seconded by Domster:**

**RESOLUTION #11 – 2021
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SARDINIA
RELATING TO THE PROPOSED LOCAL LAWS ENTITLED "AMENDING THE ZONING ORDINANCE
OF THE TOWN OF SARDINIA, CHAPTER 115, ARTICLE 6 REGARDING SOLAR ENERGY
SYSTEMS" AND "REGULATING BATTERY ENERGY STORAGE SYSTEMS" IN THE TOWN OF
SARDINIA**

The Town Board of the Town of Sardinia met at a regular board meeting at the Town Hall of the Town of Sardinia, New York on March 11, 2021, commencing at 6:31 p.m. and the following members were:

Present:	Supervisor	Beverly Gambino
	Council Member	Michael Domster
	Council Member	Matthew Krist
	Council Member	Leonard Hochadel
	Council Member	John Marsh

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, pursuant to Governor Andrew Cuomo’s Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines put in place during Phase IV of New York Forward, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

WHEREAS, the Town Board of the Town of Sardinia is considering a proposed local law, entitled “Amending the Zoning Ordinance of the Town of Sardinia, Chapter 115, Article 6 Regarding Solar Energy Systems”, to repeal and replace Local Law No. 1 of 2017 referred to as Amending the Zoning Ordinance of the Town of Sardinia to Regulate Solar Energy Systems”; 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 is considering a proposed local law, entitled “Regulating Battery Energy Storage Systems”, to regulate Tier 1 and Tier 2 Battery Energy Storage Systems within the Town of Sardinia; and

WHEREAS, the Town of Sardinia recognizes that battery energy storage systems are becoming an integral component to alternative energy sources; and

WHEREAS, the Town Board of the Town of Sardinia believes it is in the best interest of the Town to seek lead agency under State Environment Quality Review Law; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sardinia declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Town Planning Board
 2. Erie County Planner
 3. Erie County Agricultural and Farmland Protection Board
 4. Erie County Department of Environment and Planning
 5. Town Zoning Board of Appeals
 6. Town of Arcade Town Board
 7. Town of Ashford Town Board
 8. Town of Colden Town Board
 9. Town of Concord Town Board
 10. Town of Holland Town Board
 11. Town of Java Town Board
 12. Town of Yorkshire Town Board
 13. Wyoming County Board of Supervisors
 14. Cattaraugus County Board of Supervisors
 15. New York State Department of Environmental Conservation – Buffalo
 16. New York State Energy Research and Development Authority – Buffalo Office
- ; and

WHEREAS, pursuant to sections 239-l and 239-m of the General Municipal Law, said laws and all supporting documents are required to be submitted to the Erie County Division of Planning for their review and recommendations; and

WHEREAS, the Town Board of the Town of Sardinia, feels it is in the best interest of the Town of Sardinia to hold a public hearing to consider the adoption of said local laws.

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

RESOLVED, that pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sardinia declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Town Planning Board
2. Erie County Planner
3. Erie County Agricultural and Farmland Protection Board
4. Erie County Department of Environment and Planning
5. Town Zoning Board of Appeals
6. Town of Arcade Town Board
7. Town of Ashford Town Board

8. Town of Colden Town Board
 9. Town of Concord Town Board
 10. Town of Holland Town Board
 11. Town of Java Town Board
 12. Town of Yorkshire Town Board
 13. Wyoming County Board of Supervisors
 14. Cattaraugus County Board of Supervisors
 15. New York State Department of Environmental Conservation – Buffalo
 16. New York State Energy Research and Development Authority – Buffalo Office
- ; and be it further

RESOLVED, that pursuant to §§239-l and 239-m of the General Municipal Law, said local laws shall be submitted to the Erie County Division of Planning for their review and recommendations at their next meeting; and be it further

RESOLVED, that Town Board of the Town of Sardinia will hold a public hearing on the 12 day of April 2021 regarding the proposed adoption of the local laws entitled “Amending the Zoning Ordinance of the Town of Sardinia, Chapter 115, Article 6 Regarding Solar Energy Systems” at 6:30 p.m. and “Regulating Battery Energy Storage Systems” at 6:45 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

RESOLVED, that the Town Board will ensure that proper safety protocols are followed based upon the Phase of reopening that New York State attains and any additional Executive Orders issued by the Governor by said date of public hearing.

DULY ADOPTED, this 11th day of March, 2021 by the following vote: Domster aye, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Departmental Reports were as follows:

Councilman Marsh had nothing to report but asked if the board would like him to work on setting up a date for the safe driving class. It was agreed that he could look into dates.

Councilman Domster reported that he had submitted the permit for placing banners on the electric polls and was waiting to hear back from NYSEG. He noted that Councilman Krist was working on the banner design.

Councilman Krist noted that he was working with TW Signs for a banner design and had a basic proof for the Board to look at. He noted that once a design was decided on he could get the price. Councilman Krist also noted that banners could not be put on the polls in Chaffee. Councilman Krist stated he had spoken to Cody Crabb regarding doing fireworks for the Town’s 200th birthday on March 31st but he was unable to do them on that day. Councilman Krist noted he had another contact that he could reach out to. After a brief discussion it was agreed he would contact them.

Councilman Hochadel reported that he had the list of concerts for the park done and that there were copies at the door. Councilman Hochadel read the following list of concerts and dates:

- July 6th Ron and Nancy / One Song
- July 13th Dave Tucker / Nip & Tuck
- July 20th Paul Zittle / Pure Country
- July 27th Gene Hiltz / Rustic Ramblers
- Aug 3rd Elvis / Patrick Johnson
- Aug 10th Buckskin and Calico / Joe and Betty
- Aug 17th Ken Spenser and Rose Wagner / Spencer Family Band
- Aug 24th Country Memories / Joe Becker

Superintendent Hopkins reported that he was still waiting on a quote for the new generator for the Highway Garage. Superintendent Hopkins stated that he is planning big trash pick-up for April 27th. Superintendent Hopkins reported that on Monday March 8th there had been a bid opening for a new pickup truck for the highway department. He noted that a representative from West Herr was at the bid opening but did not submit a bid due to not being able to place anymore new orders for 2021 trucks. Superintendent Hopkins stated that there had been one bid submitted from Joe Basil Chevrolet in the amount of \$35,010.00 for a 2021 2500HD Chevrolet Silverado. Councilman Marsh noted that West Herr estimated a 3%-6% increase in cost for a 2022 model. Councilman Domster noted that if the Town waits to order a 2022 that it may not be in until after January. After a brief discussion the agreed to purchase the 2021 2500HD Chevrolet Silverado. **On a motion by Marsh, seconded by Hochadel, Superintendent Hopkins was given permission to purchase the 2021 2500HD Chevrolet Silverado from Joe Basil Chevrolet at a cost of \$35,010.00. Carried, 5 ayes, 0 noes.**

Councilman Krist asked the board if they would like him to look into banners for the three welcome to town signs. The Board agreed he should.

Supervisor Gambino stated that the next item on the agenda was a resolution to approve bringing Danielle Scott back this summer as the pool director. **Therefore the following resolution, to be known as Resolution #12 of 2021, was moved for adoption on a motion by Marsh, seconded by Domster:**

**RESOLUTION #12 – 2021
APPROVAL OF NEW APPOINTMENTS**

Moved by Councilman Marsh second by Councilman Domster that Danielle Scott be appointed Pool Director for the 2021 Summer Recreation Season, at the hourly rate of \$19.21

DULY ADOPTED, this 11th day of March, 2021 by the following vote: Domster aye, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that the next item on the agenda was to approve the appointment of two new members to the Chaffee Sardinia Fire Company. Supervisor Gambino noted that one was a town resident and the other was an out of town resident. **Therefore the following resolution, to be known as Resolution #13 of 2021, was moved for adoption on a motion by Hochadel, seconded by Krist:**

**RESOLUTION #13 – 2021
APPOINTMENT OF CHAFFEE-SARDINIA VOLUNTEER FIREMAN**

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

Shane G. Miller, [REDACTED] Chaffee, NY (resident), and

Ryan A. Spencer, [REDACTED] Arcade, NY (non-resident)

Who have 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 the appointments of Shane G. Miller, and Ryan A. Spencer, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board approves the appointment of Shane G. Miller, and Ryan A. Spencer, Volunteer Fireman to the Chaffee-Sardinia Memorial Fire Department.

DULY ADOPTED, this 11th day of March, 2021 by the following vote: Domster aye, Hochadel, aye, Krist, 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 use of the Town baseball fields by the Muckdogs travel baseball teams. Supervisor Gambino noted that they have worked out a field usage agreement with the Town Clerk so that shelters can still be rented. The Town Clerk briefly explained the agreement as well as an agreement on the storage of baseball equipment during the construction on the bathrooms at the park. **Therefore the following resolution, to be known as Resolution #14 of 2021, was moved for adoption on a motion by Marsh, seconded by Hochadel:**

**RESOLUTION #14 – 2021
APPROVAL OF MUCKDOGS LITTLE LEAGUE TRAVEL BASEBALL TO USE TOWNS BASEBALL
FIELDS**

WHEREAS, the Muckdogs Little League Travel Baseball program would like to use the Town's baseball fields for the 2021 baseball season, and

WHEREAS, the Sardinia Town Board has supported and allowed the "Muckdogs" to use the Town's facilities in the past,

NOW, THEREFORE, BE IT RESOLVED, that the Sardinia Town Board approves the Muckdogs Little League Travel Baseball League to use the Town's baseball fields for the 2021 season.

DULY ADOPTED, this 11th day of March, 2021 by the following vote: Domster aye, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino stated that the last resolution on the agenda was for approval of asbestos testing on the Manion Park bathrooms and the pool house at Veterans Park. **Therefore the following resolution, to be known as Resolution #15 of 2021, was moved for adoption on a motion by Marsh, seconded by Domster:**

**RESOLUTION #15 – 2021
APPROVAL OF ASBESTOS SURVEY SERVICES FOR VETERANS POOLHOUSE AND MANION
RESTROOMS**

WHEREAS, MRB Group has reviewed three proposals for asbestos survey services on behalf of the Town of Sardinia, and

WHEREAS, MRB Group has recommended Paradigm Environmental proposal for asbestos survey services so that the contractor has the necessary information to safely demolish the existing buildings in the project, and

WHEREAS, the total cost of this service from Paradigm Environmental is six hundred and six dollars (\$606.00), and

NOW THEREFORE, BE IT RESOLVED that the Town Board approves the proposal from Paradigm Environmental and gives the Supervisor, Beverly Gambino permission to sign the proposal on behalf of the Town of Sardinia.

DULY ADOPTED, this 11th day of March, 2021 by the following vote: Domster aye, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino called Robert Vossler up for a reading of a proclamation proclaiming March 11, 2021 as the official kickoff of the Town of Sardinia's Bicentennial. (attached as appendix)

There being no further business to come before the Board, on a motion from Marsh, seconded by Domster the meeting was adjourned at 7:15 PM. Carried 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk

PROCLAMATION

To All To Whom These Presents May Come, Greetings:

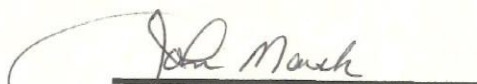
Whereas, on March 16, 1821 the people of the State of New York represented by the Senate and Assembly, adopted legislation dividing the Town of Concord, creating the towns of Collins and Sardinia, effective March 31, 1821; and

Whereas, on this occasion of Sardinia's 200th birthday, we honor the beginning of the Bicentennial year in Sardinia, celebrating our history and igniting the future for coming generations of Sardinia citizens; and


Whereas, the history of our town and it's people is valuable to our shared experience, and we recognize and celebrate the growth and greatness of our town and the limitless potential inherent in it's future;


Now, Therefore, The town board of the Town of Sardinia does hereby proclaim March 11, 2021 as the official kickoff of the Bicentennial of the Town of Sardinia.


Beverly Gambino Supervisor


John Marsh, Councilman


Matthew Krist, Councilman


Leonard Hochadel, Councilman


Michael Domster, Councilman