

4-10-2014 – 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 April on April 10, 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. Richard Rogers then led the Pledge, and a moment of silence followed.

The minutes from the March 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:

Highway Superintendent Donald Hopkins stated that there is still the question from last month concerning the old roller, which the Attorney will talk about. Attorney David DiMatteo stated that the purchaser of the surplus equipment was contacted by mail and has yet to respond. Mr. Hopkins informed the Board that the State has now increased the CHIPS funding across the State by \$39.7 million, for pothole repair, and Sardinia's share of that is \$4,000.00. He also stated that he is scheduling the Spring Trash pickup for April 29 and 30, in conjunction with Waste Management. He stated it worked well last year, and because of starting on a Tuesday, it avoids the problem of the garbage and recycling being out because Monday is Sardinia's garbage pickup day. Mr. Hopkins informed that Mark Bray has now completed and passed the Certified Municipal Pool Operator course and is now a Certified Pool Operator for the Town. The Highway Superintendent stated that last month he had discussed the possibility of holding a Work Session at the Town Garage so that the Board can look at the equipment and he can update them on what he wants to do in the future. Board members agreed, and also suggested that the Parks be inspected on a walk-through, also. **On a motion by Earl, seconded by Hochadel, the Board will hold a Special Meeting/Work Session on Thursday, April 24, at 11:00 AM at the Highway Garage, to be followed by a walk-through of the Town Parks. Carried, 5 ayes, 0 noes.**

Councilman Earl reported that the Town will be holding an AED/CPR training course on April 30th from 11:00 AM to 3 PM at the Town Hall. She stated this would be for new hires and those who need to be recertified, Town employees only. She stated the cost will be \$35.00 per person, and will be given by Mr. Casper from the Pulse Center. Councilman Earl stated that, concerning the Summer Rec Program, she has a list of field trips the Rec Director would like to schedule, including:

- 1) July 24, Buffalo Bisons vs. the Syracuse Chiefs at 1:05 PM, cost \$7.25 per ticket with optional hot dog & soda coupon for \$6.50.
- 2) Fantasy Island trip, (date to be determined) Tickets would be \$15.00 per person with one free ticket for Everyone we buy. There is also an optional pavilion rental for an additional \$50.00.
- 3) Arcade & Attica children's train on July 12. With 20 or more attending, cost would be \$10.00 per person.
- 4) Buffalo Zoo (date to be determined). Cost would be \$5.25 for ages 2-14 and \$7.50 for older. (Must pay 3 weeks in advance for these prices).
- 5) Bowling at Arcade Lanes (date to be determined). Cost would be \$12.00 per lane with an estimated 2 Lanes, for a total of \$24.00.
- 6) Laser Tag trip (date to be determined). Cost would be \$23.00 per person for a half hour of laser tag, \$8.00 worth of tokens for the arcade, unlimited drinks, and 1 slice of pizza.

She stated that those attending pay half, and the Town pays half. **On a motion by Gambino, seconded by Hochadel, the Board approved the scheduling of the trips, and the payment of the costs. Carried, 5 ayes, 0 noes.** Ms. Earl stated there is entertainment that the Rec Dept. would like to bring to the Park, also, and read the list, as follows:

- 1) Gravitational Bull, a juggling and comedy act, at a cost of \$310.00 for one hour.
- 2) Paul Antonio magic and variety act, at a cost of \$295.00 for one hour.
- 3) Tons of fun magic and variety show and class, an interactive magic show for kids of all ages, followed by a magic class for the school aged. With face painting and balloons, cost would be \$295.00 for 1 and one half hour.
- 4) Beach Party Bash & Wow event – Creative Learning Productions puts on a 1 and 1 half show with cool decorations and a fast paced beach party with limbo, snow cones, and balloon animals for \$295.00.
- 5) Flag football day with Pioneer grad and new member of the Buffalo Bills Randy Colling. Includes an hour of flag football followed by autographs. At this time, it is believed there is no cost, and Chris Warner, the Rec Director, is still trying to arrange a date because the Rec program and the Bills' training camp overlap.

On a motion by Earl, seconded by Montgomery, the entertainment for Summer Rec, and the costs, was approved. Carried, 5 ayes, 0 noes.

Councilman Earl stated that an intensive inventory was done on the Recreation supplies, the former Tiny Tots room, and the Rec storeroom on the stage. She stated that most of the equipment is old and Mr. Warner would like to take the sports equipment to Play It Again Sports, and get some money for it. As for the Tiny Tots room, she stated that they would like to discard the broken toys and supplies and donate the better items to the Trading Post in Springville. **On a motion by**

Montgomery, seconded by Morrell, the Rec Dept. was given permission to dispose of the broken things, donate the good items to the Trading Post, and to take the sports equipment to Play It Again Sports. Carried, 5 ayes, 0 noes.

Concerning the summer schedule, Councilman Earl sated that Water Aerobics will be held on Mondays and Wednesdays at the pool, per Danielle Scott, and the cost will be \$6.00 per class; May 3rd is opening day of Little League Baseball, and the championships are on June 28. She asked Supervisor Gambino if she has been receiving the minutes from the Control Center Advisory Board, and stated that she believes it is now budget time for the Control Center. The Supervisor stated she has been receiving them.

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 received 3 responses, and the price quotes were as follows:

Christine Vacinek	4'x8' one-sided sign, not installed	\$420.00 ea.
TW Signs	4'x6' one-sided sign, not installed	\$477.72 ea.
	Installed	\$925.30 ea.
SignLanguage	4'x6' one-sided sign, not installed	\$600.00 ea.
	Installation of 4 signs	\$375.00

Mr. Hochadel also asked for & received quotes for replacement of the sign in front of the Town Hall, and quotes were as follows:

TW Signs	New double-sided sign, new posts, installed	\$1,210.05
SignLanguage	New doublesided sign, no new posts or installation	\$ 850.00

After discussion, on a motion by Earl, seconded by Hochadel, the Town will have the Town Hall sign done by TW Signs, at a cost of \$1,210.05. Carried, 5 ayes, 0 noes.

On a motion by Hochadel, seconded by Morrell, the 3 roadside Welcome to Sardinia signs will be done by Christine Vacinek, at a cost of \$420.00 each, and the Highway Dept. will install. Carried, 5 ayes, 0 noes.

Councilman Hochadel also reminded that DEC law prohibits open burning from March 16 through May 14 each year, and the fine for violators is \$500.00. Mr. Hochadel also stated he has had numerous phone complaints concerning numerous unlicensed vehicles at a residence on Savage Rd. He stated he has contacted the CEO, who gave them notice that they had 10 days to clean the property up. Councilman Montgomery stated that the Town is not liable.

Councilmen Morrell reminded that the Defensive Driving course through AARP is scheduled for April 29th and 30th from 6 to 9 PM both nights, those who sign up must attend both nights, and the cost is \$20.00 for AARP members, and \$25.00 for non-AARP members. He stated that so far, 20 people have signed up, and the maximum amount allowable is 30. Mr. Morrell also stated that pricing on time clocks is still being reviewed, and there is a local company called Liberator which will be contacted for a price.

Councilmen Montgomery reported that he has received a quote for the streetlighting on the proposed streetlights at the intersections of Foot and Pratham Roads, and Davis Hill and Pratham Rd. and NYSEG will hold the price. **The following resolution, to be known as Resolution #19 of 2014 was then moved for adoption on a motion by Earl, seconded by Morrell:**

**RESOLUTION #19 - 2014
STREET LIGHTING**

WHERE AS a need for street lighting has been expressed to the Town Board, and

WHERE AS the locations in question are the corners of Davis Hill and Pratham, and the second location is Foote and Pratham, and

WHERE AS the costs for adding the wire for Davis Hill and Pratham - @250W HPS – approximately \$9.57/month (plus energy) 14ft bracket – no monthly charge, Wood Pole - \$10.26/month, One time wire charge – approximately \$1050.00 (actual amount to be calculated after approved by Town), and

WHERE AS the cost for adding the wire for Foote and Pratham - @250W HPS – approximately \$9.57/month (plus energy) 14ft bracket – no monthly charge, Wood Pole - \$10.26/month, One time wire charge – approximately \$1100.00 (actual amount to be calculated after approved by Town),

NOW, THEREFORE, BE IT RESOLVED that the Sardinia Town Board approves the installation of two streetlights, one on Davis Hill and Pratham, and one on Foote and Pratham, to which they will be added to the Entire Town Street Lighting.

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

Mr. Montgomery then asked the Board if they are interested in having a Flu Vaccination clinic again this year, stating he has received a letter from the VNA asking for a date. He suggested October 31st, which is a Friday. The date was discussed, since the Kiwanis usually asks for the use of the gym on Halloween evening for its annual Halloween party. It was decided that since the flu clinic only runs until 1:00 PM and the Kiwanis comes in around 6:00 PM, that both events could be held on that date. **On a motion by Earl, seconded by Morrell, the annual Flu Clinic was scheduled for Friday, October 31st. Carried, 5 ayes, 0 noes.** Councilman Montgomery will contact the VNA with the date. Mr. Montgomery stated he has also been contacted by the Sardinia Senior Citizens, requesting Town approval of a trip to the Pierce Arrow Museum in Buffalo on June 16th at a cost not to exceed \$3,500.00. **On a motion by Earl, seconded by Hochadel, the Senior Citizens trip was approved, at a cost not to exceed \$3,500.00. Carried, 5 ayes, 0 noes.** Mr. Montgomery also brought up the matter of the vacant and decaying property at the corner of Rt. 39 and Mill St. The issue was discussed with Attorney DiMatteo, and it was explained that the owner has been deceased for many years, and the taxes have been delinquent for all of that time, therefore the Erie County tax lien might be more than the small property is worth, and the cost of any demolition would have

to be added on top of that. Attorney DiMatteo asked if the County would forgive the tax lien and deed the property to the Town. He was informed that he should contact the County Director of Real Property Tax Service for that determination. Mr. DiMatteo also stated that any cost of remediation would have to be taken into consideration also, and stated that the CEO should make an inspection and determination. He stated he will review the past actions taken and look into the matter.

Attorney for the Town David DiMatteo reported that he has now drafted a new Procurement Policy for the Board's review and handed out copies. He stated he has included Piggybacking bids, Best Value bidding, and will include the addition of a Town credit card. Concerning the request for re-zoning of parcel #327.00-1-11 on Hutchinson Rd. by Mark I, LLC, he handed out a draft resolution to schedule a Public Hearing on the issue, stating that the request was made last October to the Planning Board, and they have recommended approval. He stated that the DEIS has been received and approved, his office has made the 239-m referral to Erie County Dept. of Planning and Development, and no response has been received as yet. Attorney DiMatteo stated his office will also send the required 10 day notification to the adjoining Towns and abutting Counties, and will notify the applicant that it is responsibility to contact the neighboring property owners of the proposed re-zoning within 5 days of the hearing. He stated that the Town is now in a position to schedule a Public Hearing on the re-zoning. It was felt that the Hearing could be held immediately preceding the next Regular meeting on May 8th at 6:00 PM. **The following resolution, to be known as Resolution #20 of 2014 was then moved for adoption on a motion by Earl, seconded by Hochadel:**

RESOLUTION #20 - 2014

TO SCHEDULE A PUBLIC HEARING REGARDING THE APPLICATION FOR REZONING CLASSIFICATION OF SBL #327.00-1-11 FROM AN AR AGRICULTURAL RESIDENTIAL DISTRICT TO A BL - BUSINESS LIGHT INDUSTRIAL DISTRICT

WHEREAS, all Board members, having due notice of said meeting, and that pursuant to Article 7, Section 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 has received an Application for Rezoning Classification for SBL #327.00-1-11, situated on Hutchinson Road, from an AR – Agricultural Residential District to a BL – Business Light Industrial District by Manfred Koch of Mark I, LLC; and

WHEREAS, the Application for Rezoning Classification for SBL #327.00-1-11 was received by the Town Planning Board and approved, on approval the Application was sent to the Town Board for recommendation, where the Supervisor stated at the October 10, 2013 meeting that the Planning Board had approved the same; and

WHEREAS, pursuant to and in accordance with 6NYCRR part 617 of the State Environmental Quality Review Act, the Town Board of the Town of Sardinia has declared the status of the environmental review complete; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, said Application for Rezoning Classification and all supporting documents have been submitted to the Erie County Division of Planning for its review and recommendations; and

WHEREAS, in accordance with Section 115-46 of the Town's Zoning Law and Section 264 of New York State Town Ordinance, written notice will be provided by the Town via mail at least ten (10) days prior to the date of the public hearing to the following:

- 1) Cheryl Ketchum, Clerk, Wyoming County Board of Supervisors
- 2) Sandra Dutton, Clerk, Town of Arcade
- 3) John R. Searles, Clerk, Cattaraugus County Legislature
- 4) Duane Dedrick, Clerk, Town of Yorkshire; and

WHEREAS, the applicant shall notify all property owners by registered mail at least five (5) days prior to the date of the public hearing in accordance with Section 115-46 of the Town's Zoning Ordinance; and

WHEREAS, the Town Board of the Town of Sardinia finds it in the best interest of the Town of Sardinia to hold a public hearing to consider said Application for Rezoning Classification for Rezoning Classification for SBL #327.00-1-11, situated on Hutchinson Road, from an AR – Agricultural Residential District to a BL – Business Light Industrial District at which time and place all interested parties and citizens for or against the proposed rezone will be heard.

NOW ON MOTION OF Councilman Earl, which has been duly seconded by Councilman Hochadel, be it

RESOLVED, that the Town Board of the Town of Sardinia will hold a public hearing on the 8th day of May, 2014, at 6:00 PM at the Town Offices in the Town of Sardinia, to consider an Application for SBL #327.00-1-11, situated on Hutchinson Road, from an AR – Agricultural Residential District to a BL – Business Light Industrial District; and

BE IT FURTHER RESOLVED, in accordance with Section 115-46 of the Town's Zoning Law and Section 264 of New York State Town Ordinance, written notice will be provided by the Town via mail at least ten (10) days prior to the date of the public hearing to the following:

- 1) Cheryl Ketchum, Clerk, Wyoming County Board of Supervisors
- 2) Sandra Dutton, Clerk, Town of Arcade
- 3) John R. Searles, Clerk, Cattaraugus County Legislature
- 4) Duane Dedrick, Clerk, Town of Yorkshire; and

BE IT FURTHER RESOLVED, that the applicant shall notify all property owners by registered mail at least five (5) days prior to the date of public hearing in accordance with Section 115-46 of the Town's Zoning Ordinance.

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

Attorney DiMatteo informed that there was one more issue to be discussed. Supervisor Gambino stated that the issue concerns Gernatt Asphalt, and stated she has a conflict of interest because her husband works for Gernatt and the issue could involve a monetary gain for her, so she was recusing herself, and would be leaving the room while Attorney DiMatteo discusses the issue. She then left the meeting room. Mr. DiMatteo then explained that Gernatt Asphalt has notified the Town by mail that they want to expand their operating hours, changing them to 6:00 AM to 7:00 PM. He stated they are saying they would not be doing excavation work during those expanded hours, but would be doing repairs during those extra hours, stating that their current permit does not allow any work to be done before 7:00 AM or after 5:00 PM. Mr. DiMatteo stated he is only bringing it to the board's attention now so they can be thinking about it, but he doesn't believe that their application to the Town is proper, that it needs to go to the DEC first. He stated that he feels their first step should be to the DEC, the permitting agency, who would then ask the Town to comment. He stated they will probably have to go through the SEQR Review, and prepare an Environmental Assessment Review, and possibly even an Environmental Impact Statement. Councilman Earl asked if they are asking for a seasonal only or a permanent expansion of the hours. Attorney DiMatteo stated the permit does not limit the hours to a time of year. He stated that, again, he doesn't believe the Town is the sole determiner, but the DEC would seek permission from the Town. He stated that in his opinion, it is not properly before the Town, but the Board needs to think about it now, but the Town is not ready for the issue at this time. Mr. DiMatteo then stated he had to leave, and called the Supervisor back into the room.

Supervisor Gambino reported that the new computers have been received and are awaiting installation.

Warrant #4 of 2014, including vouchers #160 through #230, totaling \$275,914.25, of which the General Fund was \$29,670.19, the Highway Fund was \$17,634.76, the Fire District Fund was \$227,500.77, and the Street Lighting was \$1,108.53, was approved for payment on a motion by Montgomery, seconded by Morrell, and carried, 5 ayes, 0 noes.

Supervisor Gambino stated that the Town has received a request from the Fire Company for approval of an application for membership in the fire company from David Kubiak, the current Pastor of the Sardinia United Methodist Church, who would also serve as Fire Company Chaplain. Councilman Montgomery asked if the Town could get copies of new members' Firematic Training Certificates, and Fire Company member and Town Disaster Coordinator Gerry Whittington stated they would send them, and noted that the probationary period is 1 year. **The following resolution, to be known as Resolution #21 of 2014 was then moved for adoption on a motion by Earl, seconded by Hochadel:**

**RESOLUTION #21 - 2014
APPOINTMENT OF CHAFFEE-SARDINIA VOLUNTEER FIREMAN CHAPLAIN**

WHEREAS, the Sardinia Town Board is in receipt of the application of David A. Kubiak applying for a volunteer position as Firefighter/Chaplain to the Chaffee-Sardinia Memorial Fire Company, and

WHEREAS, the Sardinia Town Board supports and approves this appointment,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the appointment of David A. Kubiak as Chaplain/Fireman to the Chaffee-Sardinia Memorial Fire Department.

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

Supervisor Gambino stated that the Southtowns Rural Preservation Co. is requesting donations from the Towns they service in the amount of \$250.00 to conduct a Needs Assessment of their serviced areas. She stated they give grants and loans within these areas for those who qualify. **The following resolution, to be known as Resolution #22 of 2014, was then moved for adoption on a motion by Earl, seconded by Montgomery:**

**RESOLUTION #22 - 2014
SOUTHTOWNS RURAL PRESERVATION NEEDS ASSESSMENT OF THE SOUTHTOWNS RPC SERVICE AREA**

WHEREAS, Town of Sardinia residents participate and benefit from the the SouthTown's Rural Preservations Co. Inc., and

WHEREAS, the Southtowns Rural Preservation Co. Inc. is looking for donations to offset the cost involved in undertaking a Needs Assessment that is required in order to continue the town of Sardinia's participation in the NYS Rural Preservation Program, and

WHEREAS, the Southtowns Rural Preservation Program is asking for a \$250.00 donation,

NOW, THEREFORE, BE IT RESOLVED, that the Sardinia Town Board approves and donates \$250.00 dollars to the Southtowns Rural Preservation Co. Inc.

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

The Supervisor stated that the Sardinia Youth Baseball League is requesting that the Manion Park baseball field be dedicated and named "Gernatt Field" because of the large amount of money they have donated toward improvements to the field, including fencing, bleachers, etc. **The following resolution, to be known as Resolution #23 of 2014, was then moved for adoption by Earl, seconded by Hochadel:**

RESOLUTION #23 - 2014

REQUEST FROM CHAFFEE-SARDINIA YOUTH BASEBALL TO DEDICATE AND NAME BASEBALL FIELD

WHEREAS the Sardinia Town Board is in receipt of a letter from the Chaffee-Sardinia Youth baseball, thanking Gernatt Asphalt Products, Inc. of their generous donation to the Chaffee-Sardinia Little League baseball League, and

WHEREAS “the dream” of having a home run fence at the baseball field at Manion Park in Chaffee will become a reality this year from this donation, and

WHEREAS those who have played baseball will understand the thrill of the possibility of knocking one out of the park or hitting it over the fence, and

WHEREAS not to forget Veteran’s Park, Gernatt’s have generously donated new aluminum bleachers for this field, and

WHEREAS it is a very exciting time for baseball in our community and with the support of businesses like Gernatt Asphalt Products, Inc., we can ensure that the memories our children have of their time playing baseball for Chaffee-Sardinia will be great.

NOW, THEREFORE, BE IT RESOLVED that the Sardinia Town Board approves the name and future reference of the baseball field at Manion Park to be known as “Gernatt Field”.

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

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

Respectfully Submitted,

Betsy Marsh, Town Clerk

