

## 4-14-2022 – APRIL 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  
Attorney David DiMatteo  
Approx. 13 guests in person

Supervisor Gambino called the regular April meeting to order at 6:37 PM immediately following the Public Hearing regarding Proposed Local Law No 1 of 2022.

Supervisor Gambino stated that the first item on the agenda was the approval of one set of minutes from the Regular March Meeting held on March 10<sup>th</sup> 2022. **On a motion by Marsh, seconded by Krist, 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 #4 of 2022, including vouchers #155 through #230, totaling \$503,260.48 of which \$166,607.34 was for the General Fund, \$41,522.13 was for the Highway Fund, \$294,245.72 was for the Fire Protection Fund and \$885.29 was for the Street Lighting Fund. On a motion by Marsh, seconded by Domster, the Warrant was approved for payment. Carried, 5 ayes, 0 noes.**

Departmental Reports were as follows:

Supervisor Gambino stated that the first item she would like to take care of was setting a work session up to be held at the park to look at the progress of the pool house and well as other planned projects at the park After discussion it was agreed to set the work session up for May 7<sup>th</sup> at 9:00 am. **On a motion by Marsh, seconded by Krist, the work session was set. Carried, 5 ayes, 0 noes.** Next Supervisor Gambino stated that the Planning Board has been working with Wendel on the Comprehensive Plan. She noted that Wendel suggested putting a committee together to help with the Comprehensive Plan therefor she asked for permission to place an ad for committee members. **On a motion by Marsh, seconded by Hochadel, Supervisor Gambino was given permission to advertise for a Comprehensive Plan Committee. Carried, 5 ayes, 0 noes.**

Highway Superintendent Hopkins reported that big trash pickup was all set for April 26<sup>th</sup> and that the ad had been reworked and has been placed in the Pennysavers. Next Superintendent Hopkins reported that he had ordered trees and the placement could be discussed at the work session. Lastly Superintendent Hopkins reported that he has been getting salt delivered now due to changes in the NY State budget that will require all salt purchased in New York to be from the US. Superintendent Hopkins noted that under the current salt contract is \$39.47 a ton and comes from Canada and that the salt under the new OGS contract that will be required in the new budget will be \$59.47 a ton. Therefor he felt it best to stock up at the lower price while he could.

Councilman Krist reported that work continues to be done on the banners and that it is a more time consuming process this time due to each banner being different. Jim Wiedemann noted that they may go back to only 1 picture per side due to sizing.

Councilman Hochadel noted that there are flyers for the concerts in the park at the door. He reported that the New York State DEC burn ban is in effect from March 15<sup>th</sup> until May 15<sup>th</sup>.

Councilman Domster reported that the person who approves the banner permit has been out of town but hoped to have approval soon. Councilman Domster also reported that he had been to the parks to check on the progress of the projects and that everything looks good.

Councilman Marsh reported that the letter to the County regarding Sardinia Curriers Rd. was done and ready to be sent.

Supervisor Gambino stated that the next item on the agenda was a resolution to reappoint Danielle Scott as the Pool Director for the summer. Supervisor Gambino asked if there were any questions or comments on the resolution. There were none. **Therefore the following resolution, to be known as Resolution #12 of 2022, was moved for adoption on a motion by Krist, seconded by Marsh:**

### **Resolution #12 – 2022**

#### **APPROVAL OF NEW APPOINTMENTS**

Moved by Councilman Marsh, second by Councilman Krist that Danielle Scott be appointed Pool Director for the 2022 Summer Recreation Season, at the hourly rate of \$20.07

**DULY ADOPTED, this 14th day of April, 2022 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 resolution on the agenda was to adopt proposed Local Law #1 of 2022. Supervisor Gambino asked if there were any questions or concerns regarding the Local Law. There were none. **Therefore the following resolution, to be known as Resolution #13 of 2022, was moved for adoption on a motion by Krist, seconded by Hochadel:**

**Resolution #13 – 2022**

**TOWN OF SARDINIA  
PROPOSED LOCAL LAW NO. 1 OF 2022 ENTITLED  
“AMENDMENT TO LOCAL LAW NO. 1 OF 2021 DUE TO A CLERICAL ERROR”**

Be it enacted by the Town Board of the Town of Sardinia as follows:

**SECTION I. PURPOSE**

The purpose of this Local Law is to amend Local Law No. 1 of 2021 referred to as “Amending the Zoning Ordinance of the Town of Sardinia, Chapter 115, Article 6 Regarding Solar Energy Systems” to correct a clerical error.

**SECTION II. ENACTMENT**

The Town Board of the Town of Sardinia hereby amends the following language to the Town of Sardinia, as Local Law No. 1 of 2021 of the Town of Sardinia was filed with a clerical error:

**Chapter 115, Article 6: Supplementary Regulations – Land Activities**

**Add:**

§115-25 PR- Parks, Recreation and Conservation District; purpose

- A. Permitted uses.
  - (1) Principal structures and uses.
    - (e) Tier 1 Solar Energy Systems.
  - (2) Principal uses by Town Board special use permit.
    - (d) Tier 2 Solar Energy Systems.**
  - (3) Accessory uses.
    - (d) Tier 2 Solar Energy Systems.

**SECTION III. REPEAL**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

**SECTION IV. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the New York Secretary of State.

**DULY ADOPTED, this 14th day of April, 2022 by the following vote: Domster aye, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.**

Attorney David DiMatteo updated the Board on the proposed solar project on Hand Rd. He noted that this project is less than 2 megawatts and will be coming in front of the Town Board for a Special Use Permit once the Planning Board completes their part of the process. Attorney DiMatteo noted that as part of this process the Town Board would need to seek lead agency for SEQRA, set a public hearing and refer the solar application to the Erie County Department of Planning for their review. Mr. DiMatteo provided the Board with the following resolution to seek lead agency, set the public hearing and make the referral to Erie County. Mr. DiMatteo stated that part of the approval process would be the negotiation of a Host Municipal Agreement and requested that the Town Board go into Executive Session to discuss that. Supervisor Gambino asked the Board if they had any questions or concerns. There were none. **Therefore the following resolution, to be known as Resolution #14 of 2022, was moved for adoption on a motion by Hochadel, seconded by Marsh:**

**Resolution #14 – 2022**

**TOWN OF SARDINIA  
RESOLUTION TO SEEK LEAD AGENCY, SCHEDULE A PUBLIC HEARING FOR  
THE REVIEW OF SOLAR APPLICATION AND REFER SAID SOLAR PROJECT APPLICATION TO  
THE COUNTY PLANNING AGENCY**

The Town Board of the Town of Sardinia held a regular meeting at the Town Hall located at 12320 Savage Road in Chafee, New York on the 14<sup>th</sup> day of April, 2022 commencing at 6:30 p.m., at which time and place the following members were:

Present: Supervisor Gambino  
Council Member Krist  
Council Member Hochadel  
Council Member Domster  
Council Member 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**, the Town Board of the Town of Sardinia is considering issuing a special use permit and site plan approval for a proposed solar project off of Hand Road in the Town of Sardinia; and

**WHEREAS**, the Town Board of the Town of Sardinia has received an application from Attorney Peter Sorgi on behalf of New Energy Development (herein after referred to as “applicant”) on March 15<sup>th</sup>, 2022; and

**WHEREAS**, pursuant to the information received in the application, the proposed solar project is located on approximately 9.9 acres (of 274.1 acres) in the Town of Sardinia’s Agricultural Residential Zoning District; and

**WHEREAS**, as this proposed solar project is within the A-R District, the applicant requires a special use permit in accordance with the Town of Sardinia’s Solar Law; and

**WHEREAS**, the Town Planning Board of the Town of Sardinia shall review the received application further at their upcoming meeting scheduled for the 20<sup>th</sup> day of April, 2022 at 7:00 p.m.; 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; and

**WHEREAS**, the Town Board of the Town of Sardinia has determined that this proposed project is a Type I action pursuant to SEQR; 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; and the Town Board will review the solar project application and will take a hard look at all potential adverse environmental impacts pursuant to SEQRA and shall advise all other involved and/or interested agencies as follows:

1. New York State Department of Environmental Conservation
  2. Erie County Planner
  3. Erie County Department of Environment and Planning
  4. Pioneer School District
  5. New York State Energy Research and Development Authority (NYSERDA)
  6. Erie County Agriculture and Farmland Protection Board
- and;

**WHEREAS**, pursuant to §§239-l and 239-m of the General Municipal Law, said solar project application and all supporting documentation, including Part 1 of the FEAF, shall be submitted to the Erie County Planner for their review and recommendations; and

**WHEREAS**, the Town Board feels it is in the best interest of the Town of Sardinia to hold a public hearing to consider issuing a special use permit for the proposed solar project.

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

**RESOLVED**, 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; and the Town Board will review the solar project application and will take a hard look at all potential adverse environmental impacts pursuant to SEQRA and shall advise all other involved and/or interested agencies as follows:

1. New York State Department of Environmental Conservation
  2. Erie County Planner
  3. Erie County Department of Environment and Planning
  4. Pioneer School District
  5. New York State Energy Research and Development Authority (NYSERDA)
  6. Erie County Agriculture and Farmland Protection Board
- and;

**RESOLVED**, that pursuant to §§239-l and 239-m of the General Municipal Law, said solar project application and supplementary documentation shall be submitted to the Erie County Planner for their review and recommendations; and be it further

**RESOLVED**, that Town Board of the Town of Sardinia will hold a public hearing on the proposed solar project on the 9<sup>th</sup> day of June, 2022 at 6:30 p.m., at which time all interested parties and citizens for or against the proposed solar project will be heard.

**DULY ADOPTED**, this 14<sup>th</sup> day of April, 2022 by the following vote: Domster aye, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino asked if there were any other comments or questions. John Schiener requested that at the work session at the park new basketball hoops be discussed. There being no other questions the Board moved to Executive Session. **On a motion by Hochadel, seconded by Domster, the Town Board moved to Executive Session at 7:00 pm. Carried, 5 ayes, 0 noes.**

**On a motion by Krist, seconded by Marsh, the Town Board returned from Executive Session at 9:02 pm. Carried, 5 ayes, 0 noes.**

Supervisor Gambino asked the board if they had any other business. Councilman Krist stated that due to increased responsibilities and duties taken on by Michelle Jones including working as the Assessors Clerk that he proposed increasing her current hourly rate of pay to \$25.00 per hour. **On a motion by Marsh, seconded by Hochadel, the rate increase was approved. Carried, 5 ayes, 0 noes.**

**There being no further business to come before the Board, on a motion by Marsh, seconded by Hochadel, the meeting was closed at 9:04 p.m., carried, 5 ayes, 0 noes.**

Respectfully Submitted,

Town Clerk