

5/22/2018 EMERGENCY MEETING

Present:

Councilman Jamie Emmick
Councilman Leonard R. Hochadel
Councilman Douglas Morrell
Supervisor Beverly A. Gambino

Absent:

Councilman Mandy Quinn-Stojek

Also Present:

Town Clerk Jennifer L Bray
Approx. 16 guests

The Town of Sardinia Town Board held an Emergency Meeting to discuss a time sensitive contractual issue. Notice was given to each Board member by phone as well as written notice placed in each of their mail boxes. Notice was also posted on the town sign board, town website and notice was given to both the Arcade Herald and Springville Journal.

Supervisor Gambino called the meeting at 10:00 am. Supervisor Gambino stated that this was an Emergency meeting for contractual reasons that have time limits and must be handled today. She noted that because this was an Emergency meeting that only this one item could be handled today. Supervisor Gambino noted that the board would be moving to Executive Session to discuss pending litigation and that the board would be taking action after they return from Executive Session.

Before moving to Executive Session, Supervisor Gambino stated that there have been comments recently that the Town Board does not support the Chaffee Sardinia Fire Company. Supervisor Gambino stated that this is untrue and are lies. Supervisor Gambino stated that every member of the Board fully supports the Fire Company and asked if there was a member that does not they should speak now. She noted that the board has voted together for anything that has been asked for from the Fire Company including new fireman, park usage, contracts and firework funding. Supervisor Gambino noted that she had not yet received a request for the fireworks yet this year and is not sure why but that she has no problem giving it to them they just need to talk to her and ask. Supervisor Gambino stated that she is not like previous supervisors and she is not here to play games with the fire company. Supervisor Gambino stated that the Board is not taking anything away from the Fire Company that they are making a change from one dispatch service to another. She stated that both are equally as good and that the only difference is the administration at Springville Control is difficult to work with and that the cost has escalated. She stated that East Aurora is willing to work with the Town and as of yesterday the cost for service was reduced to \$14,000.00 which is an addition \$2000.00 less. Supervisor Gambino stated that she is happy with this cost but the other towns involved with East Aurora Control would still like to see the cost lower. Supervisor Gambino stated that Denny Powers, the chairman of the Board of Supervisors for East Aurora Dispatch, has assured that they will take very good care of the Town of Sardinia. Supervisor Gambino noted that no one from Springville has reached out to her at all. Supervisor Gambino then stated that she has been in contact with many people that are all working together to make this change work including Danny Neaverth Jr. from Erie County Emergency Services, Erie County Executive Mark Poloncarz, Fire Company President Krissy Kittleson and Senator Patrick Gallivan has also requested to be involved. Lastly Supervisor Gambino stated that everyone is working very hard to make sure that this change is as smooth as possible and protects the fireman as well as the citizens of Sardinia.

Supervisor Gambino then asked if any of the Board members would like to add anything before moving to Executive Session. There was no comment. **Therefor on a motion by Hochadel, seconded by Emmick, the Town Board moved into Executive Session at 10:05 am. Carried, 4 ayes, 0 noes, 1 absent.**

Councilman Quinn arrived late at 10:18 am and immediately joined the rest of the Board in Executive Session.

Upon returning Supervisor Gambino asked for a motion to come out of Executive Session. Councilman Morrell interrupted stating that before continuing he had a motion. The Town Clerk noted that there needed to be a motion returning from Executive Session first before any business could be done. **Therefor on a motion by Quinn, seconded by Emmick, the Town Board moved from Executive Session back to the Emergency Meeting at 10:37 am. Carried, 5 ayes, 0 noes.**

Supervisor Gambino then read and put forth the following resolution to be known as Resolution #23 of 2018 as well as put forth the following question: Should the Sardinia Town Board authorize the Town Attorney to commence a civil action in the New York State Supreme Court on behalf of the Town of Sardinia against the Village of Springville.

RESOLUTION #23 – 2018

**A RESOLUTION AUTHORIZING ATTORNEY FOR THE TOWN
OF SARDINIA TO COMMENCE A CIVIL ACTION IN NEW YORK STATE
SUPREME COURT ON BEHALF OF THE TOWN OF
SARDINIA AGAINST THE VILLAGE OF SPRINGVILLE**

The Town Board of the Town of Sardinia duly convened in special session does hereby resolve as follows:

RESOLVED, the Town Board of the Town of Sardinia hereby authorizes Joel R. Kurtzhalts, Esq., attorney for the Town of Sardinia, to commence a civil action in New York State Supreme Court on behalf of the Town of Sardinia and to appear as attorney for the Town of Sardinia as Plaintiff against the Village of Springville as Defendant, and it is further

RESOLVED, in said civil action the Town of Sardinia as Plaintiff shall, among other things, ask the Supreme Court to enforce the terms of the Springville Control Center Joint Services Agreement, and enjoin and restrain the Defendant from terminating the Springville Control Center Joint Services Agreement with the Town of Sardinia, and direct the Defendant be restrained from cutting off services provided by the Springville Control Center and to enjoin and restrain the Defendant from creating and maintaining a public health concern and public safety emergency and to grant the Town of Sardinia such other and further relief as the Court may deem just and proper, together with costs and disbursements of the action, and it is further

RESOLVED, for his services hereunder, the Town Attorney for the Town of Sardinia shall be compensated at the rate of Two Hundred Dollars (\$200.00) per hour and shall also be reimbursed for any costs and disbursements to be incurred on behalf of the Town of Sardinia in connection with said action. Any requests for payment pursuant to this Resolution shall be set forth in a signed, itemized voucher to be submitted to the Town Board of the Town of Sardinia for its review, audit and approval.

This Resolution shall take effect immediately.

DULY ADOPTED, this 22nd day of May, 2018 by the following roll call vote: Hochadel aye, Emmick, aye, Quinn, aye, Morrell, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Supervisor Gambino then turned the floor over to Councilman Morrell but cautioned that the Board could not speak about anything that was discussed in Executive Session. Councilman Morrell stated he would like to go record and that due to overwhelming public sentiment he would like to make a motion that the Town of Sardinia stay with Springville 911 and overturn the Boards April 12th vote to terminate service with them. The Town Clerk cautioned that per Robert's Rules of Order (adopted at the 1/11/2018 organizational meeting) when no notice is given to rescind an action that was voted on at an earlier meeting there would need to be a 2/3 super majority vote to pass. **Therefor on a motion by Morrell, seconded by Quinn, the Town Board was asked to rescind its vote from April 12th 2018 and remain with Springville Control for dispatch service. The following is the roll call vote: Emmick, no, Hochadel, no, Morrell, aye, Quinn, aye, Gambino, no. Motion failed, 2 ayes, 3 noes.**

There being no further business to come before the Board, on a motion by Hochadel, seconded by Quinn, the meeting was adjourned at 10:42 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk