

6-11-2015 – REGULAR BOARD MEETING

Present:

Councilman Cheryl L. Earl
Councilman Leonard R. Hochadel
Councilman David L. Montgomery
Councilman Douglas J. Morrell
Supervisor Beverly Gambino

Also Present:

Attorney for the Town David DiMatteo
Highway Superintendent Donald Hopkins
Town Clerk Betsy A. Marsh
8 guests

The Sardinia Town Board held its Regular Town Board meeting for June on June 11, 2015 at the Sardinia Town Hall/Community Center. Supervisor Gambino called the meeting to order at 6:30 PM with the Pledge to the Flag, led by Veteran Tony Korcz, followed by a moment of silence.

Supervisor Gambino noted the presence of Mitch Martin from Senator Patrick Gallivan's office, and welcomed him, stating that he would be staying after the meeting to speak with anyone who may have questions or concerns.

The minutes of the May 14, 2015 were approved, as submitted by the Town Clerk, on a motion by Montgomery, seconded by Morrell, and carried, 5 ayes, 0 noes.

Warrant #6 of 2015, including vouchers #1061 through #1119, totaling \$27,311.46, of which the General Fund was \$12,950.70; the Highway Fund was \$11,112.69; the Fire District Fund was \$2,267.74; and the Lighting District Fund was \$980.33, was approved for payment on a motion by Earl, seconded by Hochadel, and carried, 5 ayes, 0 noes.

Departmental Reports:

Councilman Earl stated that, concerning the playground in the back of the Town Hall, we need to get a crew out there to stain it, clean it, and replace some of the boards that are splintering. The Supervisor stated that the Alden Correctional facility will be coming back out to do that, the Building and grounds Caretaker Al Hansen will be replacing the boards and when it has had time to dry out, Alden Correctional will come back out to do the work. She stated the stain has already been purchased, and the Highway Dept. will also be bringing in a load of pea gravel for them to spread. Councilman Earl also stated that money was put into the 2015 Budget to re-shingle 3 shelters at the Parks, two at Manion Park, and Shelter #4 at Veterans Park, and stated she would like it to be done before Recreation starts. The Supervisor asked if the Board felt that it should be done by our staff, or if we should put it out to bid. She stated that the Highway Superintendent was the lead on the crew who re-roofed the shelters last year, and asked him what he felt. Mr. Hopkins stated that he felt it should wait until fall. It was noted that Rec starts July 6th this year. After discussion, it was decided to wait until after Labor Day to re-shingle the Park shelters. Ms. Earl asked about flags, and the Highway Superintendent stated he has purchased a dozen new flags. She then asked if the Town had received an asbestos report on the Schutt Rd. property. The Supervisor stated she should have a copy, and noted that it is attached to the other documents concerning the Rupert property. Councilman Earl reminded that the annual Firemen's Carnival is scheduled for June 26, 27, and 28, and urged everyone to come out and support the Fire Department.

Councilman Hochadel reported that he attended the Springville Control Center meeting held on May 21st. He stated that the Control Center's Budget was approved. He also stated that, concerning the Music in the Park, he has put together a list of 6 different music acts, and distributed the list to Board members. He stated that the acts charge an average of around \$400.00 to \$500.00 each. Supervisor Gambino stated there is \$3,000.00 left in the Budget line after the Fireworks was taken out. Discussion was held on the proposed Music in the Park events. The Supervisor stated she would like to see the events start the week of July 20th, possibly on Wednesday nights, and be held weekly through the end of August, which would be 6 weeks. It was decided to start the events after the Carnival, get firm prices for the music acts, and vote on the matter at the July 9th meeting.

Councilman Morrell stated that the Town has received the engineering proposal for writing up specs for the Town Hall roof repair, and asked if Chatfield Engineering had given any dates for the start of the project. Attorney DiMatteo stated that Chatfield estimates it will take approximately 14 to 21 days to do the roof, they will do 3 to 4 inspections, and anticipate that their engineering time will total about 16 hours. He stated that the Board will have to accept Chatfield's proposal and authorize them to put the project out to bid. Mr. DiMatteo stated that Chatfield's estimate is \$180,000.00, including the engineering, at approximately \$30.00 per square foot. Supervisor Gambino stated that Drescher & Malecki will write up a resolution for the Town to transfer the money from the reserve fund.

Councilman Montgomery stated that he attended the Erie County Water Quality Committee meeting, and the legislation to ban microbeads in NY State is stuck in legislative committee and have recommended to Erie County Legislator John Mills that the County pass their own bill banning them. He also notified that there is a Post-Flooding Emergency Stream Intervention training session to be held on July 22 in Cheektowaga for NYSDOT, Highway Dept. staff, contractors, etc., and gave a flier to the Clerk for distribution.

Councilman Earl stated that Mark I has contacted her to ask the Board to re-visit the matter of the sewer and water corporations for the Tri-County Business Park and proposed Hutchinson Hill Townhouse project. Mr. Koch of Mark I told her he had a problem with the clause in the Escrow agreement, which requires that he be responsible to put more money in the escrow account in the event of overages in the Town's engineering costs. She stated she explained it to him. She asked the Supervisor, if he comes in with a check for \$5,000.00 for the Escrow account and signs the agreement, if there is a problem with the Supervisor executing the agreement on behalf of the Town. The Supervisor stated that at the May meeting, she asked for authorization to sign an agreement on the Town's behalf if he brought in the money, and she was unable to get a motion or a second at that time. Supervisor Gambino stated she has no problem signing the agreement if

she gets Board authorization. Councilman Earl stated that, after her explanation of the clause to Mr. Koch, he didn't have a problem with it, and it is her understanding that after the Escrow account is set up, he will still need Board approval of the corporations. Attorney DiMatteo stated that the clause about funding any overage is still in the agreement, and approval of the corporations for the water and sewer are in limbo until the Escrow agreement is in place and funded. Councilman Hochadel stated the Board was looking for the money before approving the agreement. Councilman Earl stated she doesn't see the problem if he brings in the money and signs the agreement. **Councilman Earl then made a motion, seconded by Montgomery 5, to authorize the Supervisor to sign the Escrow agreement with Mark I if he brings in a certified check or cash, in the amount of \$5,000.00. Carried 3 ayes, 2 noes, with Earl, Montgomery, and Gambino voting aye, Morrell and Hochadel voting no.**

The Highway Superintendent stated that he now has specs drawn up for the truck bids for the Dodge truck cab, chassis and plow package, and would now like permission to put out for and receive bids for opening at the July meeting. **On a motion by Gambino, seconded by Hochadel, the Highway Superintendent was given permission to put the truck out for bids. Carried, 5 ayes, 0 noes.** Mr. Hopkins also reported that the old bleachers from Veterans Park have now been photographed and listed on the Auctions International site for sale. He also reported that he purchased 12 American made flags and the flags have been put up; his department has started the Domes Rd. reconstruction work; and the pool has been emptied, cleaned, refilled, and is now up and running at a temperature of 81 degrees. The Highway Superintendent also noted that the tennis court is in need of some attention, and the crack sealing that was done a couple of years ago needs to be redone, but he feels that it needs to be resurfaced, since there are gravel stones poking up through the surface. The Board told him to look into that project. Mr. Hopkins stated that the Town needs to purchase Bromine for the season, and stated he has gotten 3 prices, which have quite a range in cost. He stated that the Diamond brand that the Town purchased last year and had very good luck with, is now \$220.00 per 50# pail, the Hydrotech brand costs \$186.99 per 50# pail, and the Bioguard brand through Beauty Pools is \$191.25 per 50# pail. Mr. Hopkins stated that a few years ago, the Town went with a cheaper brand, and it was not good. Mr. Hopkins stated the pool would need approximately 10 - 50# pails for the season. After discussion, it was felt that he should purchase 2 pails of the Bioguard, and if it works well, he should purchase more, it having been noted that he does not need Board approval for the purchase of 2 pails, since it is under \$500.00.

Supervisor Gambino stated she has a report and recommendations from the Youth Board. She reported that the pool is opening June 20th, and registration for swim lessons and recreation will be held at the pool on June 20th & 21st from 1 PM til 5 PM, and on June 23rd, 25th, 30th, and July 2nd, from 6 PM til 8 PM. The Youth Board discussed pricing for pool passes, and their recommendation is to leave the prices as they were last year, which was \$30.00 for resident families, and \$75.00 for non-resident families. The Board discussed the cost of swim lessons and recreation for non-residents, which, last year, was \$75.00 for the first child, and \$25.00 for each additional child. The Clerk stated she had a call last week from a Town of Arcade resident who was interested in signing up here because Arcade Recreation is charging \$250.00 per child this year, and the woman has 6 children, so at last year's rate, would make the Sardinia program much cheaper. The Supervisor stated that the Recreation Administrator had said that non-residents were not an issue at the pool. Councilman Earl stated that if you look at the pool records for the last 4 years, we are very heavy on non-residents. She stated that the resident numbers have increased, but we are very heavy on non-residents, and if someone tells 10 friends and they tell 10 friends, then the lessons program will be filled up. **After discussion by the Board, and on a motion by Hochadel, seconded by Earl, it was decided to leave the family pass costs the same, but increase the swim lessons and recreation cost for non-residents to \$100.00 for the first child, and \$50.00 for each additional child, and free for Town residents. Carried, 5 ayes, 0 noes.** Supervisor Gambino also reported that the Youth Board has set the dates and will advertise for the annual Town Wide Garage Sale for July 10th, 11th, and 12th, with the registration cost to be \$10.00. She stated that there are 2 other pool related items, the first is a request from Anne Dixon (aka Z-Annie) to use the pool at Veterans Park for Aqua Zumba Classes. The Supervisor stated she is asking for Monday night's 7:15 PM to 8:00 PM, starting on July 6th and running until August 17th. She has her own insurance, and would like the Town to pay her \$30.00 per class, the Town would get \$5.00 per person per class. **On a motion by Earl, seconded by Gambino, the Board will allow the Aqua Zumba classes at the pool, and will pay Anne Dixon \$30.00 per class, and participants will pay the Town \$5.00 per class. Carried, 5 ayes, 0 noes.** Supervisor Gambino stated that the second request is from Karen Reynolds, a Springville School teacher, who is looking to use the pool the week of June 29th from 9 AM to 1 PM for Certification classes for life guards. She does not have insurance of her own, and she would charge students \$150.00 each. **After discussion, on a motion by Gambino, seconded by Earl, the Board denied the request for the use of the pool for that purpose, due to the lack of insurance. Carried, 5 ayes, 0 noes.**

Supervisor Gambino stated that there is a proposed resolution on the agenda for the approval of an appointment of a Volunteer Fireman. The following resolution, to be known as Resolution #23 of 2015, was then moved for adoption on a motion by Earl, seconded by Hochadel:

**RESOLUTION #23 - 2015
APPOINTMENT OF CHAFFEE-SARDINIA VOLUNTEER FIREMAN**

WHERE AS the Sardinia Town Board is in receipt of the application of **Sean P. Schrader** applying for a volunteer position as Firefighter to the Chaffee-Sardinia Memorial Fire Company, and

WHERE AS the Sardinia Town Board supports and approves this appointment,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the appointment of Sean P. Schrader as 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.

Attorney for the Town David DiMatteo reported that the Town has received 2 sealed bids for the demolition of the house at 12889 Schutt Rd. Attorney DiMatteo recommended that the Board open the bids and then forward them on to the Erie Niagara Land Bank for their review and approval, and upon their approval, award the bid at the July meeting. The sealed bids were then opened and read, as follows:

Southern Erie Construction, Glenwood, NY	\$20,885.00
United Demolition and Excavating, Clarence, NY	\$9,999.00 (if the Town pays for the disposal)
Alternate bid	\$13,999.00 (if they pay for the disposal)

The bids will be forwarded to the Land Bank for approval and the bid will be awarded at the July Board meeting. It was

noted that the disposal has been offered by Waste Management at no cost to the Town. Attorney DiMatteo stated that, in regards to the roof repair, Chatfield Engineers has sent in a proposal to handle the project, write up the specs, and send out the requests for bids. He stated that the Board needs to take action to accept their proposal. **On motion by Gambino, seconded by Morrell, the Board accepted Chatfield Engineers proposal for the Town Hall roof project. Carried, 5 ayes, 0 noes.** The Supervisor stated that a resolution now needs to be adopted authorizing Chatfield Engineers to draw up the specs, and send the project out to bid. The following resolution, to be known as Resolution #24 of 2015, was then moved for adoption on a motion by Earl, seconded by Hochadel:

**RESOLUTION #24 – 2015
RESOLUTION TO AUTHORIZE CHATFIELD ENGINEERS TO
PREPARE SPECIFICATIONS FOR THE TOWN HALL ROOF PROJECT AND SEND OUT FOR BIDS**

WHEREAS, the Sardinia Town Board recognizes the immediate need for repairs to the Town Hall roof, both levels, and

WHEREAS, the Board has accepted the proposal from Chatfield Engineers to oversee the repairs for the project,

NOW, BE IT RESOLVED, the Sardinia Town Board hereby authorizes Chatfield Engineers to draft specifications for the repair of the Town Hall roof and send them out for bids.

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

In ongoing litigation matters, Attorney DiMatteo stated that the Zielonka matter has now been settled, according to the recommendations of the Town Board at the last meeting. He stated that they are requesting payment, and the Town will need to send 1099 forms along for tax purposes. Mr. DiMatteo stated that on the Diamond Saw assessment lawsuit, Erie County has interjected themselves in the litigation, and it is interesting to work with Erie County. He stated they are not authorized to make settlements, do not have their own experts, and their attorneys are not always at the conferences. Attorney DiMatteo stated the Town has a proposal, and he will submit the Town's proposal to Diamond Saw's attorneys and let the County object whenever they want to object. He stated he does not understand why they would not want to get something done.

Supervisor Gambino stated she has received the Fire Company's Treasurer's report for the month and also their audit for the year 2014. Councilman Earl asked if the points for the LOSAP Program were included, and the Supervisor stated this is the annual audit for 2014, with the Fire Company's financial statements, but no points were included.

Attorney DiMatteo stated that there was nothing to report in the Concerned Citizens lawsuit against Gernatt Asphalt and the Town, except that a notice of change of counsel representing Gernatt was received by the Court. He stated that Gernatt's attorney, Peter Sorgi, has changed the name of his law firm, and notified the Court of the change.

Disaster Coordinator Jerry Whittington asked Councilman Montgomery why he has not received the results of the water tests done on his well, his in-laws well, and also his neighbor's well. Mr. Montgomery stated that they were sent out 2 weeks ago, but apparently to different addresses. Mr. Whittington asked if the Town could provide him with copies, and Mr. Montgomery stated he did not make copies, but Mr. Whittington could contact Erie County Health Dept. The Supervisor informed Mr. Whittington that she had made copies and he could get them from her. She asked the Disaster Coordinator if there was any progress on the house numbering project. He stated that he has a copy of the Town' Code requiring house numbers, and will putting a packet together, including a budget, and emailing to the Supervisor for distribution before the July meeting. He stated this will be an Eagle Scout project, and he has received all necessary permits from the State and County for the placement of the signs. Councilman Montgomery asked if the Town would be amending the Code. Mr. Whittington stated he didn't think so, since house numbering is already required. Mr. Montgomery asked, if the Town would be putting up the numbers, would it be liable in the event of an accident. Attorney DiMatteo stated he felt the Town would have no liability since it is a matter of public safety by having the numbers, and all permits have been received. Councilman Earl stated she objects to having the sign in her yard, stating she already has numbers on her house. Attorney DiMatteo stated that these numbering signs were for uniformity, so that first responders can find the residence in the event of an emergency. Ms. Earl indicated she would voice her opinion at the July meeting.

There being no further business to come before the Board, on a motion by Earl, seconded by Hochadel, the meeting was adjourned at 7:30 PM. Carried 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk