

**7-29-2015 – SPECIAL EMERGENCY TOWN BOARD MEETING**

Present:

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

Also Present:

Attorney for the Town David DiMatteo  
Highway Superintendent Donald Hopkins  
Town Clerk Betsy A. Marsh  
1 guest

The Sardinia Town Board held a Special/Emergency Meeting on July 29, 2015, at the Town Hall/Community Center. Supervisor Gambino called the meeting to order at 6:30 PM with the Pledge to the Flag, led by Councilman Hochadel, a Veteran. The Town Clerk presented the Notice of the Special/Emergency Meeting, as it had been posted around the Town Hall and faxed to the Town's Official Newspapers.

Attorney for the Town, David DiMatteo, stated that this meeting is being held to discuss the matter of awarding bids for 3<sup>rd</sup> party asbestos monitoring at the Schutt Rd. demolition site, hauling away of debris, and asbestos testing on the Town Hall roof project, as well as some items to be discussed by the Highway Superintendent. He stated that the NYS Labor Dept. requires 3<sup>rd</sup> party air monitoring of asbestos removal and 2 bids have been received for that monitoring, as follows:

Envoy Environmental Services	\$1,728.00
Lozier Environmental Consulting	\$2,315.00

Mr. DiMatteo also stated that a private hauler to haul away the asbestos debris is also required for the demolition. He stated that Waste management has agreed to dispose of the debris at no charge, but the hauler needs to be hired by the Town, and Waste Management has approved Dunwright Trucking as the contractor. They have quoted a cost of \$390.00 per load of debris, and estimate there will be approximately 3 loads, at an estimated total cost of \$1,770.00. Attorney DiMatteo noted that the Town's costs for the air monitoring and the hauler are to be reimbursed by BENLIC (Buffalo Erie Niagara Land Improvement Corporation). **The following resolution, to be known as Resolution #28 of 2015 was then moved for adoption by Gambino, seconded by Hochadel:**

**RESOLUTION #28 – 2015  
TO AWARD THE BID FOR 3<sup>RD</sup> PARTY ASBESTOS MONITORING  
AND HAULING OF DEBRIS FOR THE 12880 SCHUTT RD. DEMOLITION PROJECT**

**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**, there is a structure located at 12880 Schutt Road, SBL No. 326.06-2-11 which has been abandoned for approximately ten (10) years following the death of the owner; and

**WHEREAS**, since this time has passed, the house on the property has fallen into significant disrepair and has become a great threat to public health, safety and welfare and has been the subject of several zoning violations; and

**WHEREAS**, the Zoning Officer for the Town of Sardinia has made multiple attempts to contact the alleged members of the estate of the owner of the property to no avail and the Town Board has deemed this structure to be dangerous and a significant threat to the public and believes it would be in the best interest of the Town residents to demolish the structure; and

**WHEREAS**, the Town Board of the Town of Sardinia has been approached with an opportunity through Buffalo Erie Niagara Land Improvement Corporation "BENLIC" to provide funding through the Office of the Attorney General "OAG" to demolish the structure and remediate the property; and

**WHEREAS**, in accordance with the Town's Procurement Policy and §103 of the General Municipal Law of the State of New York the Town solicited bids from several contractors in the immediate area for air quality testing related to the removal of asbestos at the property and

**WHEREAS**, the Town Board received two (2) bids from two (2) contractors, the bids were as follows:

Envoy Environmental Services in the amount of \$1,728.00
Lozier Environmental Consulting in the amount of \$2,315.00; and

**WHEREAS**, in accordance with §103 of the General Municipal Law of the State of New York the Town has selected the lowest responsible bidder, Envoy Environmental Services for the amount of \$1,728.00, this would entail the Town disposing of the debris once the demolition is complete; and

**WHEREAS**, due to the house having asbestos within, the Contractor must ensure that the asbestos is properly wrapped and secured for transport, being that the contractor cannot transport the material the Town solicited a quote from Waste Management, who will be disposing of the material for the Town; and

**WHEREAS**, Waste Management has approved Dunwright Trucking to be the hauler on behalf of Waste Management because this company has a walking floor trailer and Waste Management believes this will be the best way to transport this material; and

**WHEREAS**, Dunwright Trucking, through Waste Management has provided the Town with a quote of \$390.00 per load with an estimate of three (3) loads to complete the job, totaling approximately \$1,770.00; and

**WHEREAS**, in accordance with an Agreement with BENLIC and the Office of the Attorney General, the selected contractors were required to comply with rigorous standards in order to ensure that the Town would be reimbursed by OAG for the demolition, as of July 29, 2015 BENLIC has approved of all contractors that the Town has solicited to complete this demolition; and

**NOW ON MOTION OF** Supervisor Gambino, which has been duly seconded by Councilman Hochadel, therefore, be it

**RESOLVED**, in accordance with an Agreement with BENLIC, the Town of Sardinia and the Office of the Attorney General, the selected contractors were required to comply with rigorous standards in order to ensure that the Town would be reimbursed by OAG for the demolition, as of July 29, 2015 BENLIC has approved of all contractors that the Town has solicited to complete this demolition; and be it further

**RESOLVED**, that the Town Board of the Town of Sardinia officially awards the contract for asbestos air quality testing at 12880 Schutt Road to Envoy Environmental Services in the amount of \$1,728.00, with the start date to be determined; and be it further

**RESOLVED**, the Town Board of the Town of Sardinia officially awards the contract for hauling the material to the Waste Management facility in Chaffee to Waste Management with Dunwright Trucking as the approved Waste Management subcontractor in the amount of \$390.00 per load, or approximately \$1,770 for three (3) loads.

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

Attorney DiMatteo stated that the next item for discussion is the asbestos analysis for the Town Hall roof project. He stated that there are 3 quotes for the work, as follows:

LaBella Associates	\$1,800.00
Lozier Consulting	\$3,970.00
Envoy Environmental Services	\$4,725.00

The large difference in the quotes was briefly discussed, and the Supervisor stated that looking at the quotes, the two higher bidders were planning on boring many more holes in the roof, which could explain some of the difference. Attorney DiMatteo stated that the low bidder has worked with the Town's Engineering and Architectural firms before, and they are satisfied with that company. The following resolution, to be known as Resolution #29 of 2015, was then moved for adoption on a motion by Morrell, seconded by Gambino, as follows:

**RESOLUTION #29 – 2015  
TO AWARD THE BID FOR ASBESTOS ANALYSIS FOR  
THE TOWN HALL ROOF PROJECT**

**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**, since the winter of 2014 the roof at the Town Hall for the Town of Sardinia has become dilapidated and is in need of repair ; and

**WHEREAS**, the Town Board of the Town of Sardinia has retained the services of Chatfield Engineers to review the structural integrity of the roof and draft a plan for reconstruction; and

**WHEREAS**, in accordance with safety standards and New York State Fire and Building Code the materials on the Town roof must be inspected and tested for asbestos so that proper disposal may be arranged; and

**WHEREAS**, in accordance with the Town's Procurement Policy and §103 of the General Municipal Law of the State of New York the Town solicited bids from several contractors in the immediate area for asbestos bulk sample testing; and

**WHEREAS**, the Town Board received three (3) bids from three (3) contractors, the bids were as follows:

LaBella Associates in the amount of \$1,800.00
Lozier Environmental Consulting in the amount of \$3,970.00
Envoy Environmental Services in the amount of \$4,725.00;and

**WHEREAS**, in accordance with §103 of the General Municipal Law of the State of New York the Town has selected the lowest responsible bidder, LaBella Associates in the amount of \$1,800.00; and

**NOW ON MOTION OF** Morrell, which has been duly seconded by Gambino, therefore, be it

**RESOLVED**, that the Town Board of the Town of Sardinia officially awards the contract for asbestos bulk sample testing on the Town Hall roof to LaBella Associates in the amount of \$1,800.00.

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

The Supervisor stated she would like to discuss the request of Michael Buttino of Gales Court to purchase a small strip of land from the Town. The strip abuts his property, and is part of the road right-of-way, but is approximately 30" wider than the rest of the road right-of-way. She stated that she has obtained a copy of the original subdivision plat map

from Erie County, and has spoken to the Assessor and obtained a copy of the tax map, also. She stated it is unknown why this strip was included in the original subdivision. The Highway Superintendent stated he has had to mow the strip for many years, and it is not used by the Town. Attorney DiMatteo stated that the Town could deed the property to Mr. Buttino with a Quit Claim deed, but asked who would pay for a survey and the filing of the deed. He stated the other problem would be to come up with a property description for the deed. The Board agreed that Mr. Buttino would have to pay the costs incurred, and the Supervisor stated she would contact him.

The Highway Superintendent stated that last Thursday, the pool pump burned out. He stated that because of the swim lessons program, family pool passes, and park shelter rentals, and the record heat, he took the pump into S & S Electric in West Seneca for repair, at a cost of \$1,332.70, and was able to have the pool up and running on Friday. Attorney DiMatteo stated that the law provides for Mr. Hopkins to use his discretion in an emergency situation and expend more than the Town's Procurement Policy normally allows, and this qualified as an emergency. The Highway Superintendent stated that the pump is approximately 30 years old, and S & S estimates that the motor on the pump is between 6 and 10 years old. He stated that the Town needs to get a new pump and motor as soon as possible. **On a motion by Earl, seconded by Morrell, the \$1,332.70 for the repair of the pump was approved, carried, 5 ayes, 0 noes.** Mr. Hopkins asked for authorization to order the new pump, stating that he doesn't know how long the repaired one will last, and it will take 7 to 10 days from ordering to get a new one. Councilman Montgomery suggested that he call the Erie County Health Dept. and see if the flow rate they need has changed, and if the same size will suffice before ordering a new one. It was also suggested that he get 3 quotes for the pump. Mr. Hopkins stated he has called Beauty Pools, Majestic Pools, and Leisure Pools, but hasn't received a price from them. **On a motion by Earl, seconded by Gambino, Mr. Hopkins was authorized to contact the Health Dept. and also get 3 quotes, by Monday, at which time the Board will meet again or have a phone conference and authorize him to purchase a pump & motor. Carried, 5 ayes, 0 noes.**

**There being no further business to come before the Board, on a motion by Hochadel, seconded by Earl, the Special/ Emergency Town Board meeting was adjourned at 7:14 PM. Carried, 5 ayes, 0 noes.**

Respectfully Submitted,

Town Clerk