

**12-29-2014 – PUBLIC HEARING ON PROPOSED LOCAL LAW #1 OF 2015**

Present:

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

Also Present:

Town Clerk Betsy A. Marsh  
9 guests

The Sardinia Town Board held a Public Hearing on December 29, 2014 at the Town Hall/Community Center, for the purpose of hearing comments on Proposed Local Law #1 of 2015, a Local Law to repeal the "TRUST" Law. Supervisor Gambino called the hearing to order at 6:15 PM with the Pledge to the Flag. The Town Clerk showed proof that the Hearing had been properly advertised, in both the Arcade Herald and the Springville Journal.

The Supervisor explained the reason for the proposed Local Law to repeal the TRUST Law is because the NYS Comptroller's Office conducted an Audit of the Town, and it is their conclusion that the Town acted improperly in adopting Local Law #3 of 2013, the Tax Relief, or "TRUST" Law, and feels it should be repealed. She then opened the floor for any comments on the proposed Local Law.

John Schiener of Sardinia commented that he would like to see the public comment period reestablished at Board meetings in the coming year. He stated that the public had many comments on the problems with the TRUST Law and it now looks like they were correct in their opinions. He stated that Town Officials are entrusted with public resources and have a responsibility to comply with laws and regulations, behave in an ethical manner, and safeguard the Town's resources. He stated that the public had mentioned the inequities in the amount people would receive. Mr. Schiener stated that the Town had lacked authority to issue tax refunds to property owners without a special act of the State Legislature, and that the refunds were not presented to the Board for review or approval. He noted other key points brought up by the State Comptroller in the Audit, and concluded that had the former Attorney and Board had listened to the public comments, this may not have been the case, and again urged the Board to reestablish public comment at Board meetings.

Steve Welk of Matteson Corners Rd. asked if there were other options that the Board has discussed. The Supervisor explained that the Comptroller's Office stated it should have been done by special resolution of the State Senate and Assembly, and that would be the other option, which would be long and drawn out and expensive for the Town. Mr. Welk stated that years ago, it was stated that if the Town had a large fund balance, the State would take the money. He was informed by Board members that they had asked the State Auditor that question, and were told that the State has never taken any municipality's money, and would not do so. Mr. Welk stated that he thought there was only a percentage of the total budget that could be kept in a fund balance. He stated he does not think you can keep unlimited funds. He stated that the fact of the matter is that the Town will continue to receive funds from the landfill. The Supervisor stated that the amount received from landfill payments has gone down in the last 2 or 3 years, and will eventually stop. Mr. Welk stated that the Board should start watching their expenditures, and there should be a plan to build up revenue for infrastructure repair. Councilman Morrell stated that the Town's auditors are working on formulating a plan, and the landfill will probably close within 10 years. He stated that the auditors have already told the Town to watch expenditures. Mr. Welk asked if the Town has a plan in mind to safeguard the residents. Supervisor Gambino stated they have talked about it, but have not come up with a plan. Mr. Welk asked how much money the Town has available, and the Supervisor stated there is \$2.5 million in the savings, and the Town Budget is \$1.9 million for 2015.

James Witter of Sardinia stated that since this law was done illegally and some of the Board that voted to adopt the law, he asked if there was any action that could be taken against the former Attorney for the Town since it seems there was bad legal advice given to the Board. The Supervisor stated that the law was not passed in the proper way, and the Comptroller's office stated it could be re-done by going through the Senate and Assembly, but the simplest and easiest fix would be to just take it off the books. He asked if there would be any action taken against the Town's former attorney, and was told there would be no action taken by the Comptroller's office. He asked if there would be any action taken by this Board, and was told they could take it into consideration.

Councilman Earl stated that the Comptroller had suggested that the law could be repealed, or could be rewritten with rewording, and then sent to the State Legislature for approval. Another suggestion was that instead of refunding landowners up to \$1,500.00 for school tax refunds, the Town could have paid a set amount per owner toward the County tax, and cut a check to the County for the total amount.

The Supervisor called three times for further comments. There were none, and on a motion by Gambino, seconded by Hochadel, the hearing was closed at 6:30 PM. Carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk