

11-14-2024 – NOVEMBER REGULAR MEETING

Present:

Councilman Matthew Krist
Councilman Kathleen Becker
Councilman Leonard R. Hochadel
Supervisor Beverly A. Gambino

Absent:

Councilman Ethan Dabolt

Also Present:

Highway Superintendent Christopher Dabolt
Town Clerk Jennifer Bray
Town Attorney David DiMatteo
Approx. 10 guests

Supervisor Gambino opened the regular November Regular meeting at 6:48 PM immediately following the public hearing for the CDBG and on the proposed 2025 Budget.

Supervisor Gambino stated that there were three set of minutes from October to be approved. They were the Budget work session held on October 5th, the Public Hearing for the Comprehensive Plan and the October Regular Meeting. **On a motion by Krist, seconded by Becker the minutes were approved, as submitted. Carried, 4 ayes, 0 noes, 1 absent.**

Supervisor Gambino stated that the next item on the agenda was the approval of the payment of the bills. **Warrant #11 of 2024, including vouchers #578 through #633, totaling \$63,623.66 of which \$21,753.16 was for the General Fund, \$40,896.85 was for the Highway Fund and \$973.65 was for the Street Lighting Fund. On a motion by Hochadel, seconded by Becker, the Warrant was approved for payment. Carried, 4 ayes, 0 noes, 1 absent.**

Departmental Reports were as follows:

Deputy Miller from the Erie County Sheriffs office gave a brief update on ECSO activities in the Town.

Supervisor Gambino reminded everyone that the Senior Christmas dinner will be held on December 7th from 11am-3pm and that Paul Zittle will be playing. Next Supervisor stated that the board has received two applications from the Chaffee Sardinia Fire Company for on going mutual aid providers. The first is Jenna Johnson who is part of the Arcade Fire Company and lives Chaffee, NY. The other is Matthew Pearl who is also part of the Arcade Fire Company and lives in Chaffee, NY. **On a motion by Krist, seconded by Becker, the both were approved as Ongoing Mutual Aid Providers. Carried, 4 ayes, 0 noes, 1 absent.** Next Supervisor Gambino stated that Ethan Dabolt had submitted his resignation as Town Councilman and asked for a motion to accept the resignation. **On a motion by Becker, seconded by Krist, the resignation was accepted. Carried, 4 ayes, 0.** Next Supervisor Gambino stated that Ethan Dabolt has now been appointed by the Highway Superintend to fill an open position as an MEO with the highway department at a rate of \$22.95 per hour. Supervisor Gambino asked for a motion to approve the appointment. **On a motion by Krist, seconded by Hochadel, the appointment was approved. Carried, 4 ayes, 0.** Supervisor Gambino stated that Krissy Kittleson has agreed to step in and fill the board vacancy left by Ethan Dabolt. Supervisor Gambino asked for a motion to appoint her to the Town Board as Councilman. **On a motion by Hochadel, seconded by Krist, the appointment was approved. Carried, 4 ayes, 0.**

Supervisor Gambino moved on to the items on the agenda. She stated that the first resolution on the agenda was for approval of the Community Block Grant which included applying for grant funding to do elevator upgrades and funding for the Rural Transit van service. **On a motion by Krist, seconded by Hochadel, the following resolution to be known as Resolution #16 of 2024 was moved for adoption.**

Resolution #16 – 2024

COMMUNITY BLOCK GRANT APPROVAL

WHEREAS, at a meeting of the Sardinia Town Board held on November 14th 2024, the Board authorized the Town Supervisor, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project(s) upon approval of ECCDBG.

1. Town Hall Elevator Renovations
2. Rural Transit Van Program

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board authorizes the Town Supervisor to sign, submit and execute with the ECCDBG program for the above listed project(s) upon approval of ECCDBG.

DULY ADOPTED, this 14th day of November, 2024 by the following Roll Call vote: Becker, aye, Hochadel, aye, Krist, aye, Dabolt, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the next resolution on the agenda was a resolution to override the 2% tax cap. **On a motion by Becker, seconded by Hochadel, the following resolution to be known as Resolution #17 of 2024 was moved for adoption.**

Resolution #17 – 2024

REQUEST TO “OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

WHEREAS, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a resolution to override such limits for such coming fiscal year only, and

WHEREAS, that the Town Board of the Town of Sardinia feels it is in the best interests of the Town of Sardinia to adopt said resolution, and.

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

RESOLVED, that the Town Board of the Town of Sardinia feels it is in the best interests of the Town of Sardinia to override the Tax Cap, and

DULY ADOPTED, this 14th day of November, 2024 by the following Roll Call vote: Becker, aye, Hochadel, aye, Krist, aye, Dabolt, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the next item was a resolution to approve the 2025 Town of Sardinia Budget. **On a motion by Hochadel, seconded by Becker, the following resolution to be known as Resolution #18 of 2024 was moved for adoption.**

Resolution #18 – 2024

APPROVAL OF 2025 BUDGET

WHEREAS, the Sardinia Town Board has reviewed the 2025 Preliminary Budget, and

WHEREAS, the Sardinia Town Board approves the 2025 Budget with the following changes (if applicable), and

NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board hereby approves the 2025 Budget for the Town of Sardinia as presented to the Town Board with the noted changes, (if applicable), and

DULY ADOPTED, this 14th day of November, 2024 by the following Roll Call vote: Becker, aye, Hochadel, aye, Krist, aye, Dabolt, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino then asked the Councilman for their reports.

Councilman Becker reported that there were 127 people signed up for the Senior Thanksgiving Dinner to be held at the Holland Willows on Tuesday November 19th.

Councilman Hochadel reported that he had secured a band for the for the Senior Christmas dinner.

Councilman Krist requested that new signs be put up at the park asking that dogs be kept on a leash.

Highway Superintendent Debolt reported that Hand Rd. has reopened and mowed. He noted that his new employees have been making practice plow runs in preparation for winter. Lastly he noted that the parks have been winterized.

Supervisor Gambino asked Town Attorney David DiMatteo to speak regarding the update to the Comprehensive plan. Town Attorney David stated that the Town Board had declared itself as lead agency in regards to the potential adoption of the updated Comprehensive plan. He stated that updating this plan has been a long process taking between five to seven years to complete with part of the plan being updated in 2021. Mr. DiMattio noted that a public hearing was held on October 10th and the Board also approved the Negative Declaration for SEQRA. At that public hearing it was noted that some maps needed updating and some comments needed to be integrated into the Plan. He noted that those things

have been done so the Board could now vote to adopt the updated Comprehensive Plan and post the updated plan to the Town website. Supervisor Gambino asked for a motion to approve the update to the Comprehensive Plan and a roll call vote. **On a motion by Hochadel, seconded by Becker, the following resolution to be known as Resolution #19 of 2024 was moved for adoption.**

Resolution #19 – 2024

TOWN OF SARDINIA

**RESOLUTION TO ACCEPT MODIFICATIONS TO THE
DRAFT COMPREHENSIVE PLAN
SUGGESTED BY WENDEL AND THE ERIE COUNTY PLANNER
AND ADOPT THE UPDATED COMPREHENSIVE PLAN**

WHEREAS, the Town Board of the Town of Sardinia held a regular meeting at the Town Hall located at 12320 Savage Road in Chaffee, New York on the 14th day of November, 2024 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 Becker

Absent: Council Member Debolt

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 adopting an updated Comprehensive Plan; and

WHEREAS, in consideration of the on-going growth within the community, the Town of Sardinia intends to adopt the proposed Comprehensive Plan, as a successful update has not been completed since the 2021 adoption; and

WHEREAS, the New York State Department of State recommends updating the Comprehensive Plan every five to seven years to ensure relevant information and attainable goals of the municipality are included in the plan; 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 (SEQR) Regulations (6 NYCRR part 617) the Town Board of the Town of Sardinia received no objections to acting as Lead Agency and has established themselves as SEQR Lead Agency; and

WHEREAS, pursuant to Sections 239-L and 239-M of the General Municipal Law, said Comprehensive Plan and all supporting documentation, including Part 1 of the Full EAF, was submitted to Erie Division of Planning for review on September 10th, 2024;

WHEREAS, comments from Erie Division of Planning were received on October 3, 2024 and the following determination was made:

Approval with Comments, said comments are annexed hereto as **Schedule A**; and

WHEREAS, the Town Board of the Town of Sardinia held a public hearing on the 10th day of October, 2024 to consider the adoption of said Comprehensive Plan; and

WHEREAS, the Town Board has reviewed the Full EAF, comments and input received from the Erie Division of Planning, the public, and Wendel has completed Parts 2 and 3 of the Full EAF; and

WHEREAS, the Town Board, in accordance with SEQR, has determined that the proposed Comprehensive Plan will not adversely affect the natural resources of New York State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and has determined that the proposed Comprehensive Plan will result in no significant adverse environmental impacts; and

WHEREAS, having made such determination, the Town Board issued a Negative Declaration on October 10, 2024; and

WHEREAS, the Town Board has employed Wendel, a planning firm, to assist the Town with creating such updated Comprehensive Plan; and

WHEREAS, Wendel has suggested that portions of the Comprehensive Plan, including the Town of Sardinia Zoning Map, be revised; and

WHEREAS, public comments were received on the preliminary draft of the Comprehensive Plan, and such comments have been considered and integrated into the final draft of the Comprehensive Plan; and

WHEREAS, Wendel has also integrated into the final draft of the Comprehensive Plan the changes requested by the Erie County Department of Environment and Planning in their comments dated August 23rd, 2024; and

WHEREAS, the Town has reviewed all aforementioned changes and feels it is necessary to accept these revisions in order to have a useful and accurate Comprehensive Plan; and

WHEREAS, the Town Board of the Town of Sardinia believes it to be in the best interest of the Town of Sardinia to adopt the Comprehensive Plan.

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

RESOLVED, that the Town Board of the Town of Sardinia hereby accepts the revisions proposed by Wendel to the Town of Sardinia Maps, which are to be included in the Comprehensive Plan of the Town of Sardinia; and be it further

RESOLVED, that Wendel shall include such revised maps in the Comprehensive Plan of the Town of Sardinia; and

RESOLVED, that the Town Board of the Town of Sardinia hereby adopts the Comprehensive Plan of the Town of Sardinia with comments from the Erie County Division of Planning; and be it further

RESOLVED, that the new Comprehensive Plan shall be filed with the Town Clerk and the Erie County Division of Planning pursuant to Section 272-a (12) of Town Law; and be it further

RESOLVED, that the New Comprehensive Plan shall be posted to the Town of Sardinia website for public use and reference.

DULY ADOPTED, this 14th day of November, 2024 by the following Roll Call vote: Becker, aye, Hochadel, aye, Krist, aye, Dabolt, absent, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the Board would need to go into Executive Session regarding a personnel matter and possible litigation. Supervisor Gambino noted there would be no action after the executive session. **On a motion by Krist, seconded by Hochadel, the Board moved to Executive Session at 7:06 pm. Carried, 4 ayes, 0.**

On a motion by Krist, seconded by Becker, the Board returned from Executive Session at 7:35 pm. Carried, 4 ayes, 0.

There being no other business to come before the Board. **On a motion by Hochadel, seconded by Becker, the November Regular meeting was adjourned at 7:36 pm. Carried, 4 ayes, 0 noes, 1 absent.**

Respectfully Submitted,

Jennifer L. Bray, RMC
Town Clerk

Schedule A



COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING AND ECONOMIC DEVELOPMENT

DANIEL R. CASTLE, AICP, COMMISSIONER

THOMAS E. BAINES, ESQ., DEPUTY COMMISSIONER

August 23, 2024

Mrs. Jennifer L. Bray, RMC
Town Clerk
12320 Savage Road
P.O. Box 219
Sardinia, NY 14134

Re: Lead Agency Request
Location: Townwide
Review No.: 417-M617-24

Dear Ms. Bray,

Pursuant to New York General Municipal Law ("GML") Section 239-m, and Article 8 of the New York Environmental Conservation Law, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to the Department of Environment and Planning ("DEP") on August 5, 2024, and consents to the Town of Sardinia Town Board acting as the SEQR Lead Agency. DEP offers the following comments:

- The Mining Overlay District map is difficult to interpret without a map legend. The Town should ensure this map can be accurately interpreted by readers and should add a map legend. Additionally, the Town should consider unifying the mapping scheme throughout the Plan so all maps are presented in a consistent manner.
- The Agricultural District map (map eight) contains outdated data. Enclosed is data current through February 2024 that should be incorporated into the Plan.
- Mention of the following ongoing Erie County Forest Management Plan update should be included in the Plan, specifically on PDF page 11 which discusses the County's existing Forest Management Plan. Furthermore, the Town may wish to engage in this planning process and stay up-to-date as the project progresses.
- Likewise with the ongoing Erie County Agriculture and Farmland Protection Plan update. Mention of the update should be included in the plan on PDF page 11, which also discusses existing agricultural plans. The Town may wish to also engage in this planning process and stay up-to-date as the project progresses.
- As several County forests and agricultural parcels are located within the Town's municipal boundaries, the Town should ensure their Comprehensive Plan update aligns with both the updated

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Forest Management Plan and updated Agriculture and Farmland Protection plan when they are each completed.

- There are additional comments that address minor clarifications and formatting errors on the enclosed PDF.

This review pertains to the above-referenced SEQR Lead Agency request submitted to the Erie County Department of Environment and Planning. This should not be considered sufficient for any County approvals. The Town of Sardinia and/or the developer must still obtain any other permits and regulatory approvals applicable to this Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Briana Zuchowski".

Briana Zuchowski
Assistant Planner