

**7-6-2026 - REGULAR JULY MEETING**

Present:  
Councilman Matthew Krist  
Councilman Krissy Kittleson  
Councilman Kathleen Becker  
Supervisor Beverly A. Gambino

Absent:  
Councilman Leonard R. Hochadel

Also Present:  
Highway Superintendent Dabolt  
Town Clerk Jennifer L Bray  
Approx. 4 guests

Supervisor Gambino called the Regular July meeting to order at 6:30 PM with the Pledge to the Flag led by James Wiedemann.

Supervisor Gambino then stated that there was one set of minutes from the Regular meeting held on June 11<sup>th</sup> to be approved. **On a motion by Krist, seconded by Kittleson, the minutes were approved as submitted. Carried, 4 ayes, 0 noes, 1 absent.**

**Warrant #7 of 2026, totaling \$38,807.67 of which \$14,332.25 was for the General Fund and \$24,475.42 was for the Highway Fund. On a motion by Kittleson, seconded by Kittleson, the Warrant was approved for payment. Carried, 4 ayes, 0 noes, 1 absent.**

Supervisor Gambino stated that the next item is a resolution to approve the updated escrow agreement with EDP - Nexamp Solar for the proposed Battery Energy Storage Facility Project. **On a motion by Krist, seconded by Kittleson, the following resolution to be known as Resolution #15 of 2026 was moved for adoption.**

**Resolution #15**

**TOWN OF SARDINIA  
RESOLUTION TO ENTER INTO ESCROW AGREEMENT  
SARDINA EAST, LLC BATTERY STORAGE PROJECT**

**WHEREAS**, the Town Board of the Town of Sardinia met at a regular board meeting located at 12320 Savage Road, Sardinia, New York 14134 on the 6th day of July, 2026, commencing at 6:30 P.M., at which time and place the following members were:

Present: Supervisor Gambino  
Councilman Krist  
Councilman Becker  
Councilman Kittleson

Absent: Councilman Hochadel

**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 of Sardinia received an application for a new battery storage project from Sardina East, LLC c/o Nexamp Solar to be located at VL Genesee Road, Sardinia, New York, parcel identified as Tax ID No. 309.00-2-3; and

**WHEREAS**, the Town Board of the Town of Sardinia has received an Escrow Agreement for legal and engineering services in accordance with Section 115-63(F)(2)(h) ("Application Fees") of the Town Code of The Town of Sardinia,, in order to cover such services associated with the review of the application, the aforementioned Escrow Agreement having been prepared by the Town Attorney and Counsel for Sardina East, LLC; and

**WHEREAS**, the Town Board of the Town of Sardinia has reviewed the Escrow Agreement and finds the terms and figures generally agreeable, and desires to enter into the Escrow Agreement with Sardina East, LLC as part of reviewing the application; and

**WHEREAS**, the Town Board of the Town of Sardinia desires to authorize the Town of Sardinia to hire DiMatteo Roach & Kelly as legal representation to provide legal services in review of the battery storage project through required approvals and the SEQR process; and

**WHEREAS**, the Town Board of the Town of Sardinia finds that the Town Supervisor is the appropriate officer to execute said Escrow Agreement on behalf of the Town of Sardinia; and

**NOW ON MOTION OF** Councilman Krist which has been duly seconded by Councilman Kittleson, be it

**RESOLVED**, that the Town Board of the Town of Sardinia finds it to be in the best interests of the Town of Sardinia to enter into the Escrow Agreement with Sardina East, LLC and hereby authorizes the Town Supervisor to execute said agreement; and be it further

**RESOLVED**, that the Town Board of the Town of Sardinia declares that DiMatteo Roach & Kelly Attorneys at Law, as municipal attorneys for the Town of Sardinia are an appropriate legal consultant for the battery storage project and hereby authorizes the Town Supervisor to execute any necessary retainer agreement.

**DULY ADOPTED, this 6th day of July, 2026 by the following vote: Becker, aye, Hochadel, absent, Krist, aye, Kittleson, aye, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.**

Supervisor Gambino stated that the next item was a resolution to accept one of the two engineering proposals to work on the Towns behalf on the proposed battery energy storage facility. **On a motion by Kittleson, seconded by Krist, the following resolution to be known as Resolution #16 of 2026 was moved for adoption.**

#### **Resolution #16**

### **TOWN OF SARDINIA - TOWN BOARD RESOLUTION TO ENTER INTO ENGINEERING PROFESSIONAL SERVICES AGREEMENT**

**WHEREAS**, the Town Board of the Town of Sardinia met at a regular board meeting at the Town Hall located at 12320 Savage Road, Sardinia, New York on the 11th day of June, 2026, commencing at 6:30 P.M., at which time and place the following members were:

Present: Supervisor Gambino  
Councilman Krist  
Councilman Becker  
Councilman Kittleson

Absent: Councilman Hochadel

**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 of Sardinia received an application for a new battery storage project from Sardina East, LLC c/o Nexamp Solar to be located at VL Genesee Road, Sardinia, New York, parcel identified as Tax ID No. 309.00-2-3; and

**WHEREAS**, recognizing the complexity that comes with siting and permitting battery energy storage facilities, the Town feels it is necessary to engage the services of an engineer familiar with the technical language of battery energy storage regulations who will be able to advise the Town and ensure that its decommissioning regulations are being followed; and

**WHEREAS**, the Town has entered into, or shall shortly be entering into, an escrow agreement with Sardina East, LLC to cover the expense of such engineer in accordance with Section 115-63(F)(2)(h) ("Application Fees") of the Town Code of The Town of Sardinia; and

**WHEREAS**, the Town of Sardinia authorized the issuance of a Request for Proposals to the following engineering firms to request sealed bids for engineering services regarding the siting and permitting of this battery energy storage project:

- i. Clark Patterson Lee
  - ii. Colliers Engineering & Design
  - iii. C & S Companies
  - iv. Labella Associates
  - v. MRB Group
  - vi. Nussbaumer and Clarke, Inc.
  - vii. Wendel
- ; and

**WHEREAS**, the Town received proposals from MRB Group on June 5, 2026, and from Wendel on June 5, 2026; and

**WHEREAS**, the Town Board, having reviewed such proposals, finds the terms and services offered by Wendel to be the most thorough and agreeable; and

**WHEREAS**, the Town Board of the Town of Sardinia now desires to engage the services of Wendel, and shall authorize the Town Supervisor to execute a Professional Services Agreement between Wendel and the Town of Sardinia upon receipt and review of such an Agreement by the Town Attorney.

**NOW ON MOTION OF** Councilman Kittleson which has been duly seconded by Councilman Krist, be it

**RESOLVED**, by the Town Board of the Town of Sardinia, that the Town Supervisor is hereby authorized to execute a Professional Services Agreement with Wendel, upon review of such Professional Services

Agreement by the Town Attorney, so that the Town of Sardinia may engage their services regarding the siting and permitting of the Sardinia East, LLC battery storage project.

**DULY ADOPTED, this 6th day of July, 2026 by the following vote: Becker, aye, Hochadel, absent, Krist, aye, Kittleson, aye, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.**

#### Department Reports

Highway Superintendent Dabolt reported that he has gotten information from the Erie County Soil and Water regarding the culvert pipe that is needed to repair Hand Rd. He noted that he needs to confirm the dimensions before beginning the project and stated that the specs are for a bottomless pipe that is 83 inches wide, 57 inches tall and 45 feet long. Lastly Superintendent Dabolt reported that most of his road work is done and the crack sealing in the Town Hall parking lot was able to be done at no extra charge using leftover material from the road work.

Councilman Kittleson had nothing to report.

Councilman Becker reported that she had a request from a resident for a separate time at the pool for senior citizens. There was a brief discussion and it was suggested that they try going during the already established lap swim time. Councilman Becker presented information on potential bus trips for the senior citizens. They are as follows.

- Horizon Club Tours – December 17 - Holiday Pops with lunch at Ilio DiPaolo – Cost per person for 45-52 (max 56 ) people \$159.00 – includes driver gratuity
- Scenic Excursions – December 17 - Holiday Pops with lunch at Ilio DiPaolo (or Hofbrauhaus for an additional \$5 per person) – Cost per person for 45-52 people \$159.00 - driver gratuity not included
- Scenic Excursions – Erie Station Dinner Theater date to be determined – family style lunch at the theater – Cost for 40 plus people \$125.00 – driver gratuity not included
- Scenic Excursions – December 2 – Home for the Holidays with Tom Bender at Salvatore's Italian Garden - Cost for 40 plus people \$119.00 – driver gratuity not included

There was a lengthy discussion which included cost per person, total overall cost, how participants would be selected, past trips, budget concerns, past practice, what other towns do for trips, procurement requirements and restrictions. Supervisor Gambino also raised concerns about the large number of cancelations on past trips. Councilman Becker made a motion that the board approve the trip from Horizon to the Holiday Pop with the person attending paying \$25.00 and the Town covering the balance of \$134.00 for a total of \$7236.00 for 54 people and 2 free tickets. No second was made. Councilman Kittleson suggested that each person should pay more of the cost of the trip. Discussion continued regarding procurement, the cost and it was suggested that each person pay \$60.00 to \$68.00 per person to stay under procurement amounts as well as making people more invested in the trip. Councilman Becker expressed that cost would be too high and she was not for that. Supervisor Gambino made a motion to table the discussion. No second was made. Discussion continued. Town Clerk Bray suggested that the trip from Scenic Excursions to Salvatore's for the Home for the Holidays show. The cost was discussed as well as details of the trip. It was suggested that each person could pay \$30.00 with the balance of \$89.00 paid by the Town for a total of \$4806.00 which keeps the trip within procurement guidelines. Discussion on the trips continued. Councilman Krist made a motion to table the discussion until the details on how to offer the trip fairly to everyone could be worked out and noted that the Home for the Holidays trip seems to be the most economical. Supervisor Gambino seconded the motion.

Supervisor Gambino gave a report on swim lesson signups. She stated that there are 174 kids signed up of which 113 are residents and 61 are non-residents. There have been 74 pools passes sold of which 51 are residents and 23 are non-residents.

Town Clerk Bray reported that after a meeting with Tony Dash from Waste Management they have decide to allow for road side pick up of 1 bulk item per month on the third Monday each month starting in August. Other details of trash and recycling were given as well.

There being no other business to come before the Board Supervisor Gambino asked for a motion to adjourn the June meeting. **On a motion by Krist, seconded by Kittleson, the July meeting was adjourned at 7:25 pm. Carried, 4 ayes, 0 noes, 1 absent.**

Respectfully Submitted,

Jennifer L. Bray, RMC  
Town Clerk